

H. R. 5502. A bill to reimburse certain Navy personnel for personal property lost or damaged as the result of a fire at the naval auxiliary air facility, Astoria, Oreg., on April 2, 1944; to the Committee on Claims.

H. R. 5503. A bill for the relief of June I. Gradjan; to the Committee on Claims.

H. R. 5504. A bill for the relief of G. F. Allen, chief disbursing officer of the Treasury Department, and for other purposes; to the Committee on Claims.

H. R. 5505. A bill to authorize payment of certain claims for damage to or loss or destruction of property arising prior to May 27, 1941, out of activities of the War Department or of the Army; to the Committee on Claims.

H. R. 5506. A bill for the relief of certain disbursing officers of the Army of the United States, and for other purposes; to the Committee on Claims.

By Mr. NEWSOME:

H. R. 5507. A bill for the relief of Eli L. Scott; to the Committee on Claims.

By Mr. RAMEY:

H. R. 5508. A bill for the relief of Daniel B. Johnson; to the Committee on Claims.

By Mr. SCOTT:

H. R. 5509. A bill for the relief of Henry W. Savidge; to the Committee on Claims.

By Mr. STOCKMAN:

H. R. 5510. A bill for the relief of Sidney B. Walton; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6199. By Mr. SCHIFFLER: Petition of J. Guy Allender, secretary, Friendship Lodge, No. 8, Knights of Pythias, Grafton, W. Va., urging immediate appropriate action on the part of the proper authorities of the United States Government to acquire and provide sufficient land for the extension and improvement of the national cemetery at Grafton, W. Va., for the purpose of providing adequate burial facilities for deceased veterans and servicemen entitled thereto; to the Committee on World War Veterans' Legislation.

## SENATE

TUESDAY, NOVEMBER 21, 1944

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

All glory and thanksgiving be to Thee, Almighty God, our Heavenly Father, for Thy tender mercy and Thy loving kindness which has followed us all the days of our life. Make us free by the truth which Thou dost reveal to us while our minds are stayed on Thee and our souls, eased of strain and stress, are kept in perfect peace. We humble ourselves before Thee as we come confessing our part, as individuals and as a nation, in the pride and greed which has loosed this terror of cruelty and strife upon the earth. Too often, lulled by our cushioned ease, we have viewed the plight of our enslaved and exploited fellows with indifference. Give us to see with eyes startled by revelations which these fiery days have brought to our own democracy that there are class chasms which must be bridged, there are festering sores which must be healed, there are glaring inequalities which must be leveled, if this Nation under God is to be worthy of her

brave warriors now giving their all that liberty trampled by tyrants may arise and shine with healing rays all glorious in beauty and strength, and we lift our noonday prayer in the dear Redeemer's name. Amen.

#### DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The Secretary, Edwin A. Halsey, read the following letter:

UNITED STATES SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D. C., November 21, 1944.  
To the Senate:

Being temporarily absent from the Senate, I appoint Hon. KENNETH McKELLAR, a Senator from the State of Tennessee, to perform the duties of the Chair during my absence.

CARTER GLASS,  
President pro tempore.

Mr. McKELLAR thereupon took the chair as Acting President pro tempore.

#### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, November 20, 1944, was dispensed with, and the Journal was approved.

#### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate, by Mr. Miller, one of his secretaries.

#### RESIGNATION OF SENATOR BONE, OF WASHINGTON

The ACTING PRESIDENT pro tempore laid before the Senate a letter of resignation from Senator BONE, of Washington, which was read and ordered to lie on the table, as follows:

UNITED STATES SENATE,  
COMMITTEE ON PATENTS,  
Pasadena, Calif., November 13, 1944.  
Hon. HENRY A. WALLACE,  
President of the Senate,  
United States Senate,  
Washington, D. C.

DEAR MR. WALLACE: I have submitted to the Governor of the State of Washington my resignation as a United States Senator from the State of Washington, which resignation is effective at the close of business of the day and date of this letter.

I present this to you for your information and for such disposition of the matter as should properly be made.

Sincerely yours,

HOMER T. BONE.

#### SENATOR FROM GEORGIA—CREDENTIALS

Mr. RUSSELL presented the credentials of WALTER F. GEORGE, chosen a Senator from the State of Georgia for the term beginning the 3d day of January 1945, which were read and ordered to be placed on file, as follows:

OFFICE OF THE GOVERNOR,  
Atlanta, November 13, 1944.  
TO THE PRESIDENT OF THE SENATE OF THE  
UNITED STATES:

This is to certify that on the 7th day of November 1944 Hon. WALTER F. GEORGE was duly chosen by the qualified electors of the State of Georgia a Senator from said State to represent said State in the Senate of the United States for the term of 6 years, beginning on the 3d day of January 1945.

Witness: His Excellency our Governor, Ellis Arnall, and our seal hereto affixed in the

State capitol, in Atlanta, Ga., this 13th day of November, in the year of our Lord 1944.

By the Governor:

ELLIS ARNALL, Governor.  
JOHN B. WILSON,  
Secretary of State.

[SEAL]

#### NOTICE OF HEARING ON NOMINATION OF ALOYSIUS J. CONNOR TO BE UNITED STATES DISTRICT JUDGE, DISTRICT OF NEW HAMPSHIRE

Mr. HATCH. Mr. President, on behalf of the Committee on the Judiciary, and in accordance with the rules of the committee, I desire to give notice that a public hearing has been scheduled for Tuesday, November 28, 1944, at 10:30 a. m., in the Senate Judiciary Committee room, upon the nomination of Aloysius J. Connor, of New Hampshire, to be United States district judge for the district of New Hampshire, vice Hon. George F. Morris, retired. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Nevada [Mr. McCARRAN], chairman; the Senator from West Virginia [Mr. KILGORE]; and the Senator from Wisconsin [Mr. WILEY].

#### ADDRESS BY THE PRESIDENT ON THE OPENING OF THE SIXTH WAR LOAN DRIVE

Mr. GEORGE. Mr. President, I ask unanimous consent to have placed in the RECORD a radio address delivered on November 18, 1944, by the President of the United States in connection with the opening of the Sixth War Loan drive.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The Sixth War Loan drive starting tomorrow is something more than just a money-raising affair.

We cannot all fight the enemy face to face. We cannot all produce the weapons and raw materials so vital to our armed forces.

But there is one front on which all of us—every man, woman, and child—can serve, and serve to the duration. We can all practice self-denial. We can all sacrifice some of our comforts to the needs of the men in service, and, yes, even some of our needs to their comforts.

The war in this present month of November alone will cost us seven and one-half billions of dollars. That is two hundred and fifty millions a day.

That is why every War bond you buy is so important.

The war is not over—no, not by many a costly battle. While we have every reason to be proud of what has been done—even optimistic about the ultimate outcome—we have no reason to be complacent about the tough road which still lies ahead.

We have just been through a wartime election, demonstrating to the people of the world the deep roots of our democratic faith.

The Sixth War Loan, I am confident, will be a further example of democracy in action in a world at war.

There is an old saying about sticking to the plow until you have reached the end of the furrow. Every rule of common sense and patriotic thought makes that maxim applicable to our conduct in this war.

In the name of our wounded and sick, in the name of our dead, and in the name of future generations of Americans, I ask you to plow out this furrow to a successful and victorious end.

## THE ARMY AND NAVY FOOTBALL GAME

Mr. WALSH of Massachusetts. Mr. President, for the information of Senators I should like to make an announcement with reference to the Army and Navy football game.

The Members of the House of Representatives and the Senate are considered honorary members of the Naval Athletic Association. As such member, each Member of the Senate is entitled to purchase four tickets for this game. The notice which has been sent to all members of the Naval Athletic Association states:

First. The purchase of War bonds is not a prerequisite to obtaining tickets for members of the Naval Athletic Association—which, of course, includes Members of the House of Representatives and the Senate—for the game to be played at Baltimore on December 2.

Second. Each Member of the House of Representatives and the Senate should apply by letter, setting forth the fact that he is a Member of the Congress, his name, and the number of tickets desired—not over four per Member—the address to which tickets should be mailed, and include remittance to cover the cost.

Third. Two tickets may be applied for at the price of \$4.80 each, which includes 20 percent Federal tax, and two tickets may be applied for at the special rate of \$3.80 each. A fee of 25 cents must be added to the remittance to cover the cost of mailing and handling.

Fourth. The closing time—dead line—for receipt of applications is 5 p. m., Thursday, November 23.

Fifth. Tickets will be placed in the mail as soon after the above date as it is possible to do so. Probably by Monday, November 27.

Sixth. Applications should be addressed to the Secretary-Treasurer, Navy Athletic Association, Annapolis, Md.

## THE POLICY ON WAR AND PEACE—ARTICLES BY SENATOR CONNALLY AND SENATOR AUSTIN

Mr. AUSTIN. Mr. President, I ask unanimous consent to have printed in the RECORD at this point articles by the distinguished Senator from Texas [Mr. CONNALLY], chairman of the Foreign Relations Committee of the Senate, and by myself, entitled "The Policy on War and Peace." The article by the Senator from Texas is on the Policy on War and Peace in the platform of the Democratic Party, and the article by myself is on the Policy on War and Peace, in the platform of the Republican Party. They were published in the same American Peace Society Bulletin of October 1944.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

## THE POLICY ON WAR AND PEACE IN THE PLATFORM OF THE DEMOCRATIC PARTY

(By TOM CONNALLY, chairman, Committee on Foreign Relations, United States Senate)

The most accurate and graphic statement as to the attitude of the Democratic Party with reference to war and peace is the language itself of the Democratic platform. It reads as follows:

"The primary and imperative duty of the United States is to wage the war with every

resource available to final triumph over our enemies and we pledge that we will continue to fight side by side with the United Nations until this supreme objective shall have been attained and thereafter to secure a just and lasting peace.

"That the world may not again be drenched in blood by international outlaws and criminals, we pledge:

"To join with other United Nations in the establishment of an international organization based on the principle of the sovereign equality of all peace-loving states, open to membership by all such states, large and small, for the prevention of aggression and the maintenance of international peace and security.

"To make all necessary and effective agreements and arrangements through which the nations would maintain adequate forces to meet the needs of preventing war and of making impossible the preparation for war and which would have such forces available for joint action when necessary.

"Such organization must be endowed with power to employ armed forces when necessary to prevent aggression and preserve peace.

"We favor the maintenance of an international court of justice of which the United States shall be a member and the employment of diplomacy, conciliation, arbitration, and other like methods where appropriate in the settlement of international disputes.

"World peace is of transcendent importance. Our gallant sons are dying on land, on sea, and in the air. They do not die as Republicans. They do not die as Democrats. They die as Americans. We pledge that their blood shall not have been shed in vain. America has the opportunity to lead the world in this great service to mankind. The United States must meet the challenge. Under divine providence, she must move forward to her high destiny."

In brief, the platform proclaims that the United States will wage the war to final triumph over all our enemies and thereafter will aid in securing a just and lasting peace. It does not stop there, however. It looks toward the future. It envisages the danger of another war by aggressors and conquerors. To circumvent such a holocaust, it proposes the establishment of an international organization embracing the principle of the sovereign equality of all peace-loving states and open to membership by such states, large and small, with the avowed and definite purpose of preventing aggression and preserving international peace and security. It frankly advocates that such an organization must be endowed with authority ultimately to employ armed force when necessary to secure its objectives.

Force, however, should be employed only as a last resort. It is declared that an international court of justice shall be maintained. This may be accomplished by the amendment or modification of the statutes of the present World Court. The plank also advocates the use of diplomacy, conciliation, arbitration, and other similar methods where appropriate in the settlement of international disputes.

This is a brief résumé of the proposed international agreement. The general outline of the American plan now being considered at Dumbarton Oaks was known to the drafters of the Democratic platform. Of course, all of the details upon which agreement may be had by the conference are not known.

It is now understood that the international organization will consist of an assembly which will be composed initially of members of the United Nations and later of such other peace-loving nations as may be admitted. The general authority of the Assembly would include all powers not specifically vested in other departments of the international organization.

The executive and administrative authority of the international organization would rest

in an Executive Council. This Council would consist of representatives of the four great powers, the United States, Russia, Great Britain, and China, who would be permanent members. In addition, seven members of the Council would be elected to the Assembly for stated periods of tenure. It is also contemplated that at a later date a fifth nation may become a member of the permanent Council. It is also proposed that a vote on the employment of armed forces must have the approval of all of the permanent members of the Council. In other words, any member of the permanent Council may veto the employment of force in any particular instance. The Executive Council would have general authority to administer the affairs of the international organization and to act in cases of emergency. It would also have authority to refer to the Assembly any matter which is deemed to be appropriate.

While the use of force is sanctioned, it must be borne in mind that the employment of the international court of justice, conciliation, arbitration, and diplomacy and other peaceful means must be resorted to in the settlement of international disputes. The purpose of the international organization is not to promote war and armed conflicts but to preserve peace. Force is to be employed only as a last resort and against ambitious powers which know no law except that of the sword.

There are those who will oppose any form of international organization in behalf of peace. Some of them will base their arguments upon the claim that for the United States to do so would constitute an impairment of our sovereignty. This is a specious claim. It can be easily exploded. If such a claim were tenable, then the United States might not be able to conclude a treaty of any kind with a foreign nation because to do so, according to such a theory, would be to surrender something of American sovereignty. Of course, within the obligations assumed by the Nation in any treaty its liberty of action is restricted within the limits of the terms agreed upon. There is no surrender of sovereignty. On the contrary, there is an exercise of sovereignty. There is an assertion by our Nation of the will and the power to do those things which are for the best interests of our citizens and in a larger fashion in the best interests of the citizens of the world and world peace. That is the very essence of sovereignty. After all, sovereignty involves the authority of a government to achieve governmental objectives and to exercise its own will and independence. The joining in an international agreement in behalf of peace is but the exercise of that governmental power, that governmental will, and that governmental independence which sovereignty suggests.

It must be remembered that when we are contributing to the maintenance of world peace we are contributing to the peace of our own country. World War No. 1 caused us to spend lavishly of our treasure and to sacrifice on the field of battle much of the richest blood of the Republic. World War No. 2 has entailed stupendous expenditure of the public funds and has sacrificed the lives of many thousands of our brave and gallant sons. It has disturbed our domestic economy and has involved sacrifices by our citizens. In striving for the preservation of the peace of the world we are striving for our own peace, for our own security, for our own safety, for our own freedom from having to waste our treasure and spill our blood.

The provisions of the plan which provide a veto power in the hands of each member of the Executive Council and the further provision that the United States shall have a permanent representative on the Council is a guaranty that force will not be used in any international quarrel except with the consent of the representative of the United States. This meets the old argument of



those who have heretofore denounced such an international organization on the ground that it would have authority to plunge us into a foreign war without consultation with the United States. It must be borne in mind that even the employment of force under the conditions in which it will be employed, is not an act of war, but is an act to prevent war. It is essentially a peace measure. The history of international law is full of examples of the use or the display of force in the protection of the rights of nationals and in the defense of property and to repel aggressions upon the high seas which did not actually result in war. It is believed that in any case with the unanimous vote of the great powers, who are permanent members of the Council and by a majority vote of the entire Council, no nation would dare to challenge the decisions of the international organization or would dare to employ armed forces in any campaign of aggression or conquest. The decision of the Council would not only carry the normal influence of world opinion, but the might and strength of the armed forces of the members of the organization would overawe and compel the acquiescence of a recalcitrant or stubborn nation that might contemplate conquest.

It is also provided that the Council shall take steps to bring about an agreement among the nations composing the international organization, which shall stipulate the quota of armed forces and related matters.

The United States independently of the treaty will have authority to provide the method by which the representative of the United States on the Council shall be selected. It is likely that the statute creating such an office would define and if necessary, delimit his authority and power.

The proposed international organization contemplates the organization of all peace-loving nations. It provides a concrete and definite organization. It expresses a determination to employ peaceful means for the settlement of international controversies which might result in war. It realizes, however, that these measures may not be sufficient and it provides in the last analysis for the employment of armed force. It realizes that a court may render a decision and judgment, but that without a sheriff with armed authority, the judgment might not be enforced. Those who submit to law and are amenable to peaceful measures may respect the judgment of the court and abide by it. However, a lawless and arrogant litigant may defy the court unless it exerts a final authority by the employment of armed force.

If we are to secure the preservation of world peace—and that includes our peace—we must be willing to pay the price. That price is our cooperation with other nations of a similar mind. We must join in seeking the employment of peaceful measures. If these fail, we must be willing to assume our share in the obligations imposed upon us.

It is my firm conviction that the overwhelming majority of the American people are for an international organization to preserve the peace and prevent aggression. There will be those who object to this or that detail. I know of no piece of legislation or even any constitution which pleases every citizen in every respect. At every session of the Congress, there are introduced thousands of bills seeking to change existing law. At each session of the Congress, numerous amendments to the Constitution of the United States are proposed. Somebody objects to this feature. Another does not like some other provision.

The proposed treaty, however, must be considered in its entirety, on the ground of its noble objectives and in view of its tremendous effect upon world policy and world peace.

It will be subject to amendment or modification or change in the light of the experi-

ence of future years. It cannot be perfect at its inception. It must grow and develop and be shaped to meet the needs of a rapidly moving world.

#### THE POLICY ON WAR AND PEACE IN THE PLATFORM OF THE REPUBLICAN PARTY

(By WARREN ROBINSON AUSTIN, member, Committee on Foreign Relations, United States Senate)

The American plan for a general international organization for security and peace in its early status was known to those who drafted the Republican plank on war and peace. It is a fair guess that the authors of the Democratic plank had the same plan in mind. At the time these planks were adopted by both political parties the representatives of the United Nations had already been invited to the Dumbarton Oaks Conference, but the plan had not been presented to them. In courtesy to those representatives, as well as in consideration of practical rules of negotiation, both parties guarded the terms of the plan from publicity.

The committee on international policy which drafted the plank for the Republican convention discussed the matter in hypothetical form. No assurances were given that the plan contained any of the specific provisions under discussion. Nevertheless, the Republican plank, and, in my opinion, the Democratic plank, on international policy, both contemplated the American plan so far as it has since become known to the public.

The Republican declaration at Mackinac laid the foundation for the more specific commitments of the party at Chicago. It helped to unify and strengthen the Republican organization. There are, it is true, some members of the Republican Party, as well as of the Democratic Party, who adhere to unconditional nationalism. Nevertheless, the Republican Party, as an organization, in the Chicago convention, placed itself squarely against isolationism and for an international organization having the capacity to direct peace forces whenever it became necessary to do so to prevent or repel military aggression.

Peace forces include whatever force may be necessary to preserve the peace, such as conciliation, arbitration, litigation, economic sanctions, and interposition.

There are similarities between this program and international practices during the past century. There have been hundreds of cases of the use of pressure, and even of violence, by an aggrieved state for the protection of its citizens living in a foreign country, of its flag on land or sea, or of its boundaries. Such acts have been in accord with the law of nations, and have been the common custom of members of the family of nations.

No practice has been recognized as lawful by which any state imposed its political authority on a weaker state incapable of escaping through fear of the consequences of its resistance. The difference between past practice and the plan is that heretofore the actor has not been an independent organization, but has been an aggrieved state, or, in the League of Nations, a member thereof.

However, it is important to note another difference, viz: In the League of Nations the provision for coercion was limited to advice or recommendation, whereas the present declaration of the Republican Party, and probably of the American plan, provides for direct action.

Briefly stated, the Republican plank on war and peace commits the Republican Party to the support of a treaty agreeing upon such provisions for security as the following:

General rules of international conduct binding the nations:

(a) To adopt peaceful methods of determining controversies with each other;

(b) To support the international organization in its execution of the basic treaty;

(c) To use peace forces when directed to do so by the organization;

(d) To refrain from employment of military forces except according to the basic treaty;

(e) To participate in subsequent treaties aimed at removal of causes of war and establishment of conditions in which peace would be attained that would prevail through the world.

A structure of organization containing:

An assembly composed of representatives of all sovereign nations who desire peace, on the basis of sovereign equality, and which would have all of the powers not vested in other departments of the organization.

An Executive Council composed of representatives of the great powers, who would have the capacity to maintain order and who would be permanent members of it; also representatives of lesser powers who would be impermanent members, elected annually. Such a council would have exclusive jurisdiction of the subject of sanctions, and authority to direct military forces if necessary to enforce the basic treaty and maintain peace.

A judicial tribunal to which any nation could bring another for the determination of controversies between them.

The Republican Party, through its plank on war and peace, has definitely advanced toward other sanctions than war in its aim to establish a just peace after the termination of hostilities, and to promote such international arrangements that the vital interests of the parties to the treaties would favor peace rather than war, to avoid provocation to violence, and to develop further the good-neighbor policy.

It is clear to all that even the best devised organization having nothing but military force as sanction for law and order would last only so long as the people of the several countries earnestly desired, and were willing to pay the price of peace. Therefore, we regard the spiritual element in the Republican doctrine as a factor of security.

A large area of agreement upon these doctrines among Republicans is expressed in the plank on war and peace. Some members of each of the political parties advocate delay in the establishment of the organization until after the war and until after the various peace treaties have been definitely made; also, delay in the use of sanctions by the organization.

Under the latter, they raise the issues of sovereignty and constitutionalism.

The Republican plank is founded upon the claim that external sovereignty is not lost, but is strengthened, by its use in combining with other powers to preserve order and peace. A corollary of this is that no nation loses any degree of its independence in relation to other nations joining in the treaty, because each makes the same relative contribution thereof to the common authority.

As to the claimed violation of constitutionalism in authorizing our delegate in the Council to vote for the direction of peace forces, the historic course of this Nation is a practical construction of the Constitution.

In the period from 1813 to 1927, American forces operated on foreign soil within the jurisdiction of a foreign state without any declaration of war on 77 different occasions.<sup>1</sup>

There have been, also, numerous incidents in which protection to American citizens abroad was given by display of armed force.

The premise for the use of force is the obligation of government to its citizens to protect their lives and property and to preserve the state and maintain its honor.

<sup>1</sup> Milton Offutt, *The Protection of Citizens Abroad by the Armed Forces of the United States*.

This is a principle of international law, which is a part of our law.<sup>2</sup>

The duty of the Chief Executive to act before a declaration of war by Congress is based on the provision of the Constitution that "he shall take care that the laws be faithfully executed."<sup>3</sup>

However, too much emphasis on these instances of practical construction of the Constitution ought to be avoided in the matter under discussion. They are referred to here to show that the exercise of the exclusive power of the President to employ armed forces in a foreign country to protect the lives and property of American citizens resident in that country does not constitute an act of war; and is, therefore, not equivalent to a declaration of war.<sup>4</sup> Such intervention has seldom led to war, although it may do so, as in the Boxer disturbance in China.

Emphasis should be laid on the different actor and different cause in the interposition planned. The cause is to prevent or repel aggression. Its character is defensive. Its object is peace.

By cruel experience in two World Wars, which have developed fiendish weapons capable of unprecedented destructiveness in short time over long distances, the fact has been forced upon our recognition, that violence threatening war, in any place on earth, affects the security and peace of this Nation and its citizens.

The important shift is from unilateral right to society's duty to interpose whenever disturbance arises.

The actor is not the aggrieved state alone. It is the organization for security and peace. It represents the conscience of a large portion of humanity. Its decision to act would be free from the infirmity of aggrandizement or imperialism. Its judgment would be independent. So far as it might involve members, its acts would be founded on treaty and law. Its moral power would be tremendous.

These facts have distinct bearing in our consideration, separate from the treaty, of the power to be vested in our delegate on the council.

There is no intention of avoiding or evading the obligation to have a declaration by the Congress of the United States whenever this country goes to war. This is not inconsistent with the basic treaty contemplated. The basic treaty will not raise the issue. Each government will have to decide for itself the limits of its commission to its delegate.

Our delegate to the Council could constitutionally be authorized to vote in the council within the limits of this commission, and in accordance with governmental procedure.<sup>5</sup> His commission would be prescribed by Congress. Congress would have to create his office, define its powers, and appropriate for its maintenance. This would naturally be done independently of the ratification of the treaty. It would not be necessary to delay every application of sanctions while the American delegate came back to Congress on every question upon which he was to vote.

The new international attitude of real co-operation is declared in the Republican plank, and would be provided for in the treaty, if the Council should be composed of, say, eight members, and the decision or directive of the Council should depend upon a majority. If that majority must include all of the votes of the permanent members a veto would, in effect, be provided for the

proportionate number of lesser states and for any one of the greater states. In theory, this would do away with world power politics. In theory the smaller countries would not be under the domination of the larger countries. In practice much depends upon the spirit of the people behind their representatives.

As I have said, any plan that is made can fail if it does not have the vital force of strong desire on the part of nations to make the plan succeed.

A special treaty for earmarking the military forces to be available for direction by the organization is contemplated.

If no provision should be made in the basic treaty for the allocation by its members of special military task forces, there should be at least an obligation on the part of those members, who are competent to do so, to maintain sufficient military forces and equipment to respond promptly to the direction of the Council. Our country ought to follow the advice of Gen. George Washington that it maintain a "well-trained militia." I interpret his "well-trained militia" as requiring a universal military training program. As General Marshall has stated it, we would not maintain a large professional army, but would maintain a compact, central organization sufficient to meet the directions of the Council, having on call "a well-trained militia."

We approach the portentous event of ratification of a treaty establishing the general international organization for the prevention or repelling of military aggression.

The hope of the world for prolonged peace is grounded on the peace forces other than armed interposition. Their effectiveness must spring from the conscience and sustained active interest of the people. Any treaty entered into must keep the door open to adaptation, development, and change to unfold and expand the causes of peace.

The importance of public opinion in this situation cannot be overemphasized. I am persuaded that the Senate will ratify such a treaty provided the people of America are ready to pay the price of peace, even though it be a high price. The Senate will not expect, nor would the people approve, a proposal that involved the purchase of peace through the sacrifice of justice, or of the guaranties of freedom. But the Senate and the people, I believe, will be willing to exercise the external sovereignty of this Nation by participating effectively in such an international organization on the basis of fundamental rules of international conduct expressed in the treaty, and the employment by the organization of whatever force is necessary to prevent or repel military aggression.

#### EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

#### RESOLUTIONS BY THE COUNCIL OF U. N. R. R. A.

A letter from the Secretary of State, transmitting copies of certain resolutions adopted by the second session of the Council of the United Nations Relief and Rehabilitation Administration, held in Montreal, Canada, being Resolution No. 53, relating to reservations and declarations of the Congress of the United States, and Resolution No. 54, amending its Resolution No. 1, with respect to United Nations areas of importance to the military operations of the United Nations and stricken by famine or disease (with accompanying papers); to the Committee on Foreign Relations.

#### PERSONNEL OF THE LAND FORCES

A letter from the Secretary of War, transmitting, pursuant to law, a confidential report of the number of men in active training and service in the land forces on September 30, 1944, under section 3 (b) of the

Selective Training and Service Act of 1940; to the Committee on Military Affairs.

#### SUSPENSION OF DEPORTATION OF ALIENS

A letter from the Attorney General, transmitting, pursuant to law, reports stating all the facts and pertinent provisions of law in the cases of 206 aliens whose deportation he suspended for more than 6 months, together with a statement of the reason for such suspension (with accompanying papers); to the Committee on Immigration.

A letter from the Attorney General withdrawing certain names from reports relating to aliens whose deportation he suspended for more than 6 months, heretofore transmitted by him to the Senate, pursuant to law; to the Committee on Immigration.

#### COMPENSATION OF POSTMASTERS

A letter from the Postmaster General, transmitting a draft of proposed legislation to amend section 2 of the act of May 29, 1923, and section 3 of the act of March 29, 1944, affecting the compensation of postmasters (with an accompanying paper); to the Committee on Post Offices and Post Roads.

#### REPORT OF NATIONAL WAR LABOR BOARD ON WAGE STABILIZATION

A letter from the Chairman of the National War Labor Board, transmitting, in further response to Senate Resolution 130, agreed to April 9, 1943, a report on stabilization of wages and salaries, for the month of August, 1944 (with an accompanying report); ordered to lie on the table.

#### NEW ENGLAND TELEPHONE & TELEGRAPH CO., v. THE UNITED STATES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, his report and recommendation concerning the claim of the New England Telephone & Telegraph Co. against the United States (with an accompanying report); to the Committee on Claims.

#### REPORT OF NATIONAL HOUSING AGENCY

A letter from the Administrator of the National Housing Agency, transmitting, pursuant to law, the second annual report of that agency for the calendar year 1943 (with an accompanying report); to the Committee on Education and Labor.

#### REPORT OF DIRECTOR OF THE ADMINISTRATIVE OFFICE, UNITED STATES COURTS

A letter from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the annual report of the director of that office for the fiscal year 1944 (with an accompanying report); to the Committee on the Judiciary.

#### PERSONNEL REQUIREMENTS

A letter from the Administrative Assistant to the Secretary of Commerce, transmitting, pursuant to law, estimates of personnel requirements for the Bureau of the Census for the quarter ending December 31, 1944 (with accompanying papers); to the Committee on Civil Service.

#### PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the board of directors of the American Society of Civil Engineers, New York, N. Y., favoring the selection of at least one member of the Advisory Board created by the War Mobilization and Reconversion Act of 1944, who is an engineer of high ability and broad experience in the fields of professional engineering and administration; to the Committee on Military Affairs.

By Mr. AUSTIN:

A petition of sundry citizens of the State of Vermont, praying for the enactment of

<sup>2</sup> *The Pasquette Habana* (175 U. S. 677, 700).

<sup>3</sup> *In re Neagle* (135 U. S. 1, 64); see also, *Logan v. U. S.* (144 U. S. 263, 294); *U. S. v. Mullin* (71 Fed. Rep. 686); *Buster v. Wright* (135 Fed. Rep. 947, 957); *Durand v. Hollins* (4 Blatchford 451, 454).

<sup>4</sup> *Hamilton v. McChaughey* ((1905), 136 Fed. 445).

<sup>5</sup> *Neely v. Henkel* (180 U. S. 109, 121).



the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States; to the Committee on Military Affairs.

By Mr. WALSH of Massachusetts:

Resolutions of the Polish-American Citizens' Club of South Boston, Mass., and other American-Polish associations in the Eastern States, favoring the relief of and aid to Poland; to the Committee on Foreign Relations.

By Mr. AIKEN:

Three petitions signed by 72 citizens of Irasburg, Vt., praying for the prompt enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States; to the Committee on Military Affairs.

#### RESOLUTIONS OF THE VERMONT STATE GRANGE

Mr. AIKEN. I present and ask to have printed in the RECORD, and appropriately referred six resolutions adopted by the Vermont State Grange at its annual meeting last month. I am offering these resolutions particularly at this time because some of the resolutions pertain to bills which are immediately before the Congress and particularly because of the recommendation for action on the St. Lawrence seaway project.

There being no objection, the resolutions were referred to committees and ordered to be printed in the RECORD, as follows:

To the Committee on Agriculture and Forestry:

##### Resolution 1

Whereas Vermont is composed of broken areas by reason of its streams, lakes, hills, and mountains; and

Whereas adjacent to most of our tillable lots other land appears which is well adapted for pasture and woodland; and

Whereas Vermont is valuable for homes in which to rear families; and

Whereas we believe that our natural resources can best be conserved and utilized by conducting farming by what is commonly known as one-family farms, rather than large commercial ventures: Therefore be it

*Resolved*, That we use our influence to make Vermont a State of farm homes, and to this end, as a long-time program to build rather than rob the soil, by continuing our best practices such as pasture improvements, care of farm-made fertilizers, and especially more intelligent handling of timber land, to include reforestation of open land, not used for other purposes and systematic thinning of young growth commonly called brush land.

To the Committee on Commerce:

##### Resolution 2

Whereas the Bellows Falls Hydro-Electric Co. is endeavoring to obtain options on flowage rights of certain lands to be flowed by the raising of a dam at Wilder, Vt.; and

Whereas the flowing of said farm lands will destroy their usefulness for agricultural purposes, and inconvenience and menace the operation of many acres of land bordering on the flowed area: Therefore be it

*Resolved*, That the Vermont State Grange go on record as being vigorously opposed to the flowing and destruction of the aforesaid farm lands; that this resolution be spread on the records of this Grange and that a copy be presented to the committee of farm owners organized to oppose the

flowing of their farm lands, and the influence of this Grange be expended in their behalf.

##### Resolution 3

Whereas the inhabitants of the Connecticut Valley are deeply concerned about the proposed power dam project at Wilder: Therefore be it

*Resolved*, That the Vermont State Grange express its hearty approval of the action of the special session of the legislature in appointing a committee and making an appropriation for the study of the situation and to make recommendations.

##### Resolution 4

Whereas the future agricultural and industrial well-being of Vermont depends to a considerable extent upon the power rates comparable to those available to other parts of the Nation: Therefore be it

*Resolved*, That the Vermont State Grange urge Congress of the United States to take action to provide for the development of the St. Lawrence River waterway and power resources.

##### Resolution 5

Whereas the West River Dam project near the towns of Dummerston, Newfane, and Williamsville is an unnecessary and destructive project to the surrounding towns and farms; and

Whereas it is totally unnecessary to have this dam as a means of power; and

Whereas the surrounding towns and State of Vermont are willing to support a project of their own to care for spring floods to their fullest extent; and

Whereas this West River Valley is of excellent tillage soil and is greatly needed for agricultural purposes in the State: We, therefore,

*Resolve*, That the Vermont State Grange strongly feel that this is an uncalled for project and we ask that the National Government do all in its power to protect the farms and homes in this valley and take steps to withdraw this bill.

To the Committee on Agriculture and Forestry:

##### Resolution 6

Whereas the cutting off of our forests has increased the danger of serious floods and drought conditions; and

Whereas the demand for hardwood lumber has resulted in many of our sugar maples being cut off for lumber; and

Whereas it takes about 100 years to reforest with sugar maples; and

Whereas Vermont is famous, Nation-wide, for its maple sirup and sugar and at present there is serious danger that the maple industry will soon become a thing of the past: Be it

*Resolved*, That the Vermont State Grange do all in its power through the public press and our lecturers' programs to educate the public of this existing danger of the destruction of our maples and of the advisability of a long-time program of forest preservation by selective cutting rather than the wholesale slaughter of our maple trees, the pride of our Green Mountain State: Also be it

*Resolved*, That the Vermont State Grange work for State laws to preserve and protect our forests and maple orchards, Vermont's heritage.

To the Committee on Military Affairs:

Whereas it has been called to our attention that many communities are planning a celebration on the day Germany is defeated; and

Whereas this will not mark the end of the war: Be it

*Resolved*, That this Grange go on record as favoring a day of meditation, at this time, and save the celebration until the war is over.

#### SOCIAL-SECURITY PAY-ROLL TAXES— PETITION OF NORTH DAKOTA RETAIL HARDWARE ASSOCIATION

Mr. LANGER presented a telegram in the nature of a petition from the North Dakota Retail Hardware Association, Grand Forks, N. Dak., which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

GRAND FORKS, N. DAK.,  
November 20, 1944.

Hon. Senator LANGER,  
Senate Office Building,  
Washington, D. C.:

We petition Congress continue freeze 1 percent for old age benefit by enacting S. 2175 as now introduced because adequate funds available care for benefits administration during 1945. Please not increase burden on business with unnecessary taxation when further demands upon it anticipated carry on future.

Exorbitant taxation destroy this lucrative source revenue to Government.

NORTH DAKOTA RETAIL HARDWARE  
ASSOCIATION.

#### CONFERENCE METHOD OF RATE MAKING

Mr. MALONEY. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD at this point, a letter and resolution, which I have received from Mr. F. G. Farrell, secretary of the Hartford Chamber of Commerce, Conn., favoring the passage of bill H. R. 2720.

There being no objection, the letter and resolution were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

THE HARTFORD CHAMBER OF COMMERCE,  
Hartford, Conn., November 16, 1944.  
The Honorable FRANCIS MALONEY,  
Senate Office Building,  
Washington, D. C.

DEAR SIR: At a meeting of the transportation bureau, held October 17, upon recommendation of our legislative committee, a resolution was adopted favoring the passage of H. R. 2720.

We enclose a copy of the resolution together with a statement of facts upon which our resolution is based.

When this bill comes up for action we will appreciate your consideration of it and hope that you will go on record for the passage of this measure.

Very truly yours,

F. G. FARRELL,  
Secretary.

#### RESOLUTION ADOPTED BY THE TRANSPORTATION BUREAU OF THE HARTFORD CHAMBER OF COM- MERCE, IN MEETING OCTOBER 17, 1944

Whereas some 2 years ago at the request of the late Joseph B. Eastman, in his capacity as Director of the O. D. T., together with the War and Navy Departments, and Donald M. Nelson, Chairman of the W. P. B., the Department of Justice abandoned for the duration its suit bringing criminal action against the railroads, motor-freight lines, and others, charging violation of the Sherman anti-trust law; and

Whereas in August 1944 the Assistant Attorney General of the United States, in an address at Kansas City, indicated that proceedings of a civil nature would be filed against the railroads, motor-freight lines, and others; and

Whereas on August 23, 1944, a complaint was filed with the United States District Court at Lincoln, Nebr., charging that the railroads, motor-freight lines, and others were functioning in violation of the Sherman Antitrust Act in that they joined together

through rate conferences in the determination and publication of noncompetitive rates; and

Whereas the transportation bureau of the Hartford Chamber of Commerce being composed of shippers and consignees who pay the freight charges, also of representatives of various carriers who assess the freight charges, is directly interested in this complaint which attacks the principle of the conference method of rate making. We recognize that the present conference method of making rates is not perfect, that there are details which might and should be adjusted. We do, however, believe that the principle of arriving at rates through the conference method has proved most satisfactory and in the interest of both the shipper, consignee, and carrier; that in the absence of this long-established procedure of making rates through a conference, it is reasonable to assume that adjustment of rates would have to be obtained through application to the individual interested carriers who participate in the haul. This latter method would make rate adjustment more difficult to obtain and in all probability would result in a lack of proper relation in rates between different territories. As an example, a manufacturer making an article in one area might obtain more favorable rates from his interested carriers than would a manufacturer producing the same article in another territory; and

Whereas such action on the part of rate-making conferences is in the best interest of all concerned and should not be subject to prosecution under the antitrust laws in the circumstances now under attack by the Department of Justice. The conference method of making rates is of long standing and has the sanction, if not the approval, of the Interstate Commerce Commission.

Whereas House bill 2720 provides an amendment to the Interstate Commerce Act which permits carriers to join together in consideration, determination, rejections, approval, publication, and promulgation of rates under the direction or guidance of committees, associations, rate bureaus, tariff publishing agents, etc., in accordance with the rules and regulations prescribed by the Interstate Commerce Commission: Therefore, be it

*Resolved*, That the transportation bureau of the Hartford Chamber of Commerce, in meeting October 17, 1944, go on record in favor of the present conference method of rate making. This bureau is of the opinion that this bill (H. R. 2720) would so clear the present Interstate Commerce Act as to preserve for shippers, consignees, and carriers the conference method of rate making, which for many years has not only served but proved satisfactory to all parties of interest.

*Resolved*, That a copy of this resolution be forwarded to each Senator and Representative in the State of Connecticut and to the chambers of commerce throughout this State.

#### NATIONAL REPRESENTATION FOR RESIDENTS OF THE DISTRICT OF COLUMBIA—RESOLUTIONS OF WASHINGTON BOARD OF TRADE

Mr. CAPPER. Mr. President, while Senators were back home on November 7, participating with nearly 50,000,000 other Americans in the recent national election, there was no such evidence at the National Capital of the operation of the majestic processes of a national election. Here, at the very heart of the Republic, was the only ballotless spot on the continental and contiguous United States.

Here, as stated by Theodore W. Noyes, editor of the Evening Star, "The day, November 7, 1944, to the un-Americanized Americans of the District of Colum-

bia," was "a day of humiliation and mourning. To other Americans," it was "a day of national enthusiasm and patriotic pride."

I want to say it is to the everlasting credit of the good people of the District of Columbia that they had this feeling of humiliation and frustration at being unable to satisfy the urge to vote in this most important election. They could, through their leaders, the press, and over the radio, only tell the people of the country that, although they are loyal, intelligent and patriotic Americans, they are permitted no part in the government of their country. They are required to pay taxes, obey the laws of the Nation, fight and bleed and die for their country, but they cannot vote for the Chief Executive and for the lawmakers by whom they are governed. And the strangest thing of all is that no one has ever been able to advance any sound American reason, or even an excuse, why so disgraceful a condition is permitted to continue.

What a spectacle it must present to the world at this time, when one of the keynotes accompanying the great global war is that the people of a nation shall be guaranteed full participation in the governing of their nation, to note that at the very heart of our great Republic those living there have no part whatever in the councils of the Nation.

To my knowledge, during my long official residence in Washington, the people here have been much dissatisfied with this un-American condition, and have been urging a perfectly reasonable remedy for the situation. They are not proposing that the control of the Congress over the seat of the National Government be in any way disturbed. However, they seek, through a required enabling amendment to the Constitution, to empower the Congress to permit the people of the District of Columbia to vote for President and Vice President, and to elect such voting Members to represent them in the Senate and House of Representatives as the Congress may by legislation provide.

Mr. President, a proposed amendment to the Constitution for this purpose is now pending in the Committees on the Judiciary of both the House of Representatives and the Senate. In the House of Representatives it was introduced by my friend, Judge HATTON W. SUMNERS, of Texas, and it was my privilege and honor to introduce the same proposal in the Senate.

I am glad to say this proposal has more united support than any other matter affecting the people of the District of Columbia. Theirs has been a long fight, and the supporting resolutions and arguments submitted to Congress by the civic, business, labor, and other groups have been voluminous, and in their appeal are unanswerable.

The most recent action to come to my notice was resolutions adopted on November 6 by the directors of the Washington Board of Trade. This great and enterprising organization of business and professional men has a long record of fine, public-spirited work for the District and the Nation. In the resolutions which follow, I sincerely believe, are

voiced the sentiments of organized Washington as truly as if they had originated in each of the many groups which have long been working for the Americanization of the Washingtonian.

I have here a letter from the president of the Board of Trade, and the resolutions adopted on the eve of another voteless national election day at the National Capital, which I ask to have printed in the RECORD as a part of my remarks and appropriately referred.

There being no objection, the letter and resolutions were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

WASHINGTON BOARD OF TRADE,  
Washington, D. C., November 9, 1944.  
Senator ARTHUR CAPPER,  
United States Senate,  
Washington 25, D. C.

DEAR SENATOR CAPPER: Renewing its policy of long standing, the Washington Board of Trade, through its board of directors which met on Monday, November 6, renewed its endorsement of national representation for the District of Columbia and urged passage of the joint resolutions introduced in Congress on this subject by you and by Representative SUMNERS of Texas. A copy of the resolution is attached.

We bring this matter to your attention for your information.

Sincerely yours,  
E. BARRETT PRETTYMAN,  
President.

NOVEMBER 6, 1944.

The board of directors of the Washington Board of Trade today adopted the following resolution endorsing national representation for residents of the District of Columbia:

"On the eve of a great national election in which some 45,000,000 or more Americans will go to the polls to exercise their traditional right as free Americans, the directors of the Washington Board of Trade take this opportunity to dedicate themselves anew to the effort to obtain comparable rights for Washingtonians, at least to the extent of representation in the Congress and in the electoral college.

"We consider it to be a humiliating disgrace to the Nation and to ourselves, that this intelligent community of over 800,000 Americans, constituting the seat of government of the world's leading democracy, is deprived of any voice in that government; that our sons, fighting wherever other Americans are fighting on every battlefield in the world today, must suffer a degrading discrimination of the polling places, because of the accident of their residence in the Capital of the United States; that we at home are left as the sole surviving victims, in this country, of a system of taxation without representation which contradicts every basic principle of Americanism.

"We believe that the remedy for these injustices lies in a constitutional amendment, sponsored by Representative SUMNERS of Texas, in the House of Representatives, and by Senator CAPPER, of Kansas, in the Senate, which provides that: 'The Congress shall have power to provide that there shall be in the Congress and among the electors of President and Vice President members elected by the people of the District constituting the seat of the government of the United States, in such numbers and with such powers as the Congress shall determine. All legislation hereunder shall be subject to amendment and repeal.'

"We record ourselves again as favoring the submission of that amendment by the Congress to the people of the United States."

Mr. CAPPER. Mr. President, I say the Congress has put off far too long this act



of simple justice to our loyal and able fellow Americans of the District of Columbia. This proposed amendment to the Constitution is an enabling provision which will give Congress the necessary power to right this great wrong. It does not strip Congress of any of its power of exclusive legislation in the slightest degree. But it does give to Congress a new power to make these American citizens really a part of the Nation. It does give the Congress the power to enable these Americans to participate in their National Government through their duly elected Senators, Representatives, and members of the electoral college.

The time has come for Congress to pass the joint resolution proposing this amendment and to submit it to the States for ratification. There is every reason for prompt, favorable action, and neither reason nor excuse for postponing so plain a duty.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

H. R. 3732. A bill to repeal the prohibition against the filling of a vacancy in the office of district judge in the district of New Jersey; with an amendment (Rept. No. 1151).

By Mr. TUNNELL:

From the Committee on Pensions:

H. R. 4099. A bill to extend the period of the Philippine Insurrection so as to include active service with the United States military or naval forces engaged in hostilities in the Moro Province, including Mindanao, or in the islands of Samar and Leyte, between July 5, 1902, and December 31, 1913; without amendment (Rept. No. 1152).

From the Committee on Claims:

S. 1740. A bill for the relief of Marjorie E. Drake, Edith Mae Drake, Minnie L. Bickford, and Irene M. Paolini; with amendments (Rept. No. 1153);

S. 1899. A bill for the relief of Alfred Files; with amendments (Rept. No. 1154); and

S. 1900. A bill for the relief of Bertha L. Tatrault; with amendments (Rept. No. 1155).

By Mr. O'DANIEL, from the Committee on Claims:

H. R. 2825. A bill for the relief of Sigfried Olsen, doing business as Sigfried Olsen Shipping Co.; with amendments (Rept. No. 1156).

#### EXTENSION OF STATUTE OF LIMITATIONS—REPORT OF COMMITTEE ON THE JUDICIARY

Mr. FERGUSON, from the Committee on the Judiciary, reported an original joint resolution (S. J. Res. 156) to extend the statute of limitation in certain cases, which was read twice by its title and ordered to be placed on the calendar; and he also submitted a report (No. 1157) to accompany the joint resolution.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Colorado:

S. 2187. A bill for the relief of Mr. and Mrs. William Trebing; to the Committee on Claims.

By Mr. ELLENDER:

S. 2188. A bill for the relief of June I. Gradijan; and

S. 2189. A bill for the relief of G. F. Allen, Chief Disbursing Officer for the Treasury Department, and for other purposes; to the Committee on Claims.

By Mr. AUSTIN:

S. 2190. A bill to amend the Social Security Act, as amended, so as to provide for supplementing unemployment compensation payable under State laws during the period of reconversion from war to peace; to the Committee on Finance.

By Mr. LANGER:

S. 2191. A bill to amend section 6 of the act of March 20, 1933, to prohibit the requirement of the taking of the so-called pauper's oath by certain applicants for hospital treatment or domiciliary care; to the Committee on Finance.

By Mr. REYNOLDS:

S. 2192. A bill to provide for the continuation on the active list of the Regular Army for the duration of any of the wars in which the United States is now engaged, and for 6 months thereafter, of any officer on the active list of the Regular Army who has served as Chief of Staff during the wars in which the United States is now engaged; to the Committee on Military Affairs.

(Mr. REYNOLDS also introduced Senate bill 2193, which was referred to the Committee on Finance, and appears under a separate heading.)

By Mr. WALSH of Massachusetts:

S. 2194. A bill authorizing appropriations for the United States Navy for additional ordnance manufacturing and production facilities, and for other purposes; and

S. 2195. A bill to further amend section 22 of the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes," by removing the limitation on the total personnel of the Naval Reserve Officers' Training Corps, and for other purposes; to the Committee on Naval Affairs.

#### RECOGNITION OF ACTIVE-DUTY MEMBERS OF CIVIL AIR PATROL

Mr. REYNOLDS. Mr. President, I introduce for appropriate reference a bill to provide for recognition of active-duty members of the Civil Air Patrol as veterans of World War No. 2.

In connection with this bill I wish to say that it is quite true that C. A. P. veterans originally volunteered as civilian volunteers and fully expected to perform their assigned duties as such, but herein lies the irony of the whole matter. These veterans were called upon by emergency circumstances that were totally unforeseen by the United States armed services to perform as soldiers; not only called upon but commanded by the United States Army and the War Department to bear arms against the common enemy in the form of 100- and 250-pound demolition bombs and depth charges and to attack the armed enemy in offensive action beyond the territorial waters of the United States. This they did, not by choice, nor as volunteers, but by definite command, after they had volunteered and not before they had done so. At this time neither the Army nor the Navy had available either sufficient personnel or equipment to cope with the submarine menace off the shores of the United States; hence, by sheer necessity, the C. A. P. was ordered to seek out and attack the enemy, brazenly destroying our vital coastwise tankers and freight ships.

These attacks were not made in company with, or as support for, any other branch of the armed services, nor at the time of such attacks were they supported directly by other personnel of the armed services; however, many times after the

first attack was made, other forces came into the battle and often assisted in its successful conclusion. This situation did not happen just once or even several times, but many times. On one C. A. P. base alone 17 running attacks were made on enemy submarines nearly all of which were unassisted.

The veterans of C. A. P. volunteered for one thing and were commanded to do another by the War Department, but because of their original intentions, there exists an opinion in high places that they are just civilians like many that watched for forest fires or spotted airplanes. Unlike many other civilian organizations which performed admirably, these veterans not only performed their civilian functions, but were further commanded to seek out and attack an armed enemy and to engage him in mortal combat. Upon being commanded to so engage the enemy, these men ceased then and there to be civilians and became combat troops regardless of high opinions or else they were armed guerrillas.

These veterans of C. A. P. were instructed carefully about prescribed uniform insignia, because in event of capture by the enemy they would be treated as soldiers only if such insignia were properly displayed. This would not indicate a status of either civilians or guerrillas according to the concepts of international law. There is one and only one answer to their status; that is, they were soldiers of the United States, and as such they are entitled to all rights and privileges pertaining thereto. Regardless of the original intentions of either the men or the departments of Government, these men were by command of constituted authority made combat troops and so used in the conduct of this war. If any group of men can prove they were combat troops and are not now recognized as such, they too deserve veteran's status regardless of any official rulings or opinions to the contrary.

It is doubtful if other than the veterans of C. A. P. among all other so-called civilian organizations have any basis on which to claim veteran's status. In fact, in the history of the United States, there is no parallel to Civil Air Patrol, not even the Minutemen of 1776. To deny these men veteran's status on the grounds of establishing a precedent for others to seek similar status is a denial not based on justice nor even on practical considerations. These men are comparatively few in number and regardless of deaths, wounds, injuries, or personal sacrifice in line of duty, these men were made combatants not by choice of their own, but by command of the War Department through the Army of the United States. Surely, they could have repudiated their oath of allegiance which they took, not knowing they would be called upon to be combatants; they could have refused on the grounds that they were supposed to be civilians, not soldiers, they could have even been dilatory in the carrying out of such commands because of a feeling of possibly being imposed upon, but not a single man did anything of the kind; every one fought as the soldier he was, and there is not a single case of desertion on record; however, many paid with their

lives in carrying out their orders. These men did not question the right of the War Department to make them combat troops; now who has the right to question whether or not they were soldiers?

These veterans flew 24,000,000 miles over the ocean in line of duty. They are credited with spotting 173 enemy submarines and using either bombs or depth charges or both against 57 of that number. They are credited with sinking or damaging 2 enemy submarines in addition to those sunk by Army or Navy craft called in for the kill by C. A. P. planes. This was offensive action, certainly not defensive.

Should officialdom insist that these soldiers were civilians, then these men were betrayed because they expected and were assured that they would be treated as soldiers in event of capture by the enemy. Only by the grace of God they escaped capture as 90 of their planes went down at sea and the survivors, when there were survivors, were adrift except for the company of their sister ship circling overhead.

Approximately 100 of these men lost their lives, many more were injured, and no few permanently. Help for the widows and for the injured veterans is now by law only temporary. Permanent assistance will only be available if Congress provides veteran's status for these apparently forgotten soldiers who when called upon in times of great need responded with their lives and fortunes. Can a grateful Nation now afford to deny its own?

Mr. President, in this connection I ask to have published in the RECORD a brief history of the Civil Air Patrol, an auxiliary of the United States Army Air Forces; the rules of land warfare as stated from national headquarters of the Office of Civilian Defense on March 12, 1942; also a statement from national headquarters under date of March 30, 1943; together with a statement issued August 23, 1944.

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

#### A BRIEF HISTORY OF CIVIL AIR PATROL, AN AUXILIARY OF THE UNITED STATES ARMY AIR FORCES

Civil Air Patrol was organized in December 1941. The private pilots and plane owners, radio mechanics, engine and aircraft mechanics of the United States, who were not already in the armed forces, were asked to come into the Civil Air Patrol to assist in setting up an organization, whereby the facilities and the airplanes of the private pilots, and their skill, could be used in assisting the armed forces. Civil Air Patrol was organized due to the fact that our armed forces did not have the pilots, the planes, nor the facilities to carry out the various duties imposed upon them when Pearl Harbor was bombed.

Early in April 1942, the submarine menace was so bad on the Atlantic from Maine to Mexico that the Civil Air Patrol was called upon to organize, and to open up, C. A. P. coastal patrol bases, and to use their private planes in search of enemy submarines, conveying merchant ships, and rescuing survivors.

There were 21 of these coastal patrol bases, and they flew a total of 24,000,000 miles, sighted 173 enemy submarines, and were directly responsible, and given credit in Ad-

miral Andrews' report to the Navy, for sinking a number of enemy submarines.

There were between 5,000 and 6,000 men and women attached to these bases. Civil Air Patrol also carried bombs on these airplanes, and dropped them on the enemy, as stated heretofore.

In this coastal patrol work alone, the members of C. A. P. were under the command of the armed forces, were required to wear uniforms 24 hours a day, as well as being subject to Army military rules and regulations, subject to Army court martial, and handled the most secret documents of our armed forces.

These men risked their lives for their country, and in doing so, Civil Air Patrol lost approximately 100 men in the ocean, and some fifty-odd were injured, some of them permanently. Civil Air Patrol had many other activities with the armed forces, such as C. A. P. tow target and tracking units, which towed targets of the United States Army Coast Artillery of the harbor defense inlet where real guns and shells were fired at their targets. Also, in the days when the Army and the Navy did not have the facilities, the Civil Air Patrol had a vast number of C. A. P. planes which carried air express and vital parts necessary to the various bases in the United States for the repairs of the Army planes. Civil Air Patrol has a membership of some 90,000 members who at the present time are working, at the suggestion of the United States Army Air Forces, on a C. A. P. cadet program, in teaching 15-, 16-, and 17-year-old young men and women various courses in aviation, military courtesy and discipline, drilling, navigation, meteorology, theory of flight, Morse code, first aid, and various other courses, whereby the United States may equip these young men and women, so when they are called into the armed forces they will be better able to defend themselves, and will be better educated and better equipped to carry on the work that the armed forces desire. The goal of C. A. P. cadets for this year alone is 250,000 throughout the United States.

#### OFFICE OF CIVILIAN DEFENSE,

CIVIL AIR PATROL,  
NATIONAL HEADQUARTERS,  
Washington, March 12, 1942.

#### OPERATIONS DIRECTIVE No. 7—RULES OF LAND WARFARE

##### 1. GENERAL

It is imperative that members of the Civil Air Patrol be thoroughly familiar with certain fundamentals of the Rules of Land Warfare and that Civil Air Patrol operations be conducted in accordance with these rules. To this end, unit commanders will regularly bring to the attention of all members of the Civil Air Patrol the Rules of Land Warfare. The extracts from the Rules of Land Warfare presented herewith will be read to all enrollees when the oath of office is given. Unit adjutants will occasionally call attention to these rules at drill formations.

##### 2. TEXT

The accompanying extracts are from War Department Basic Field Manual FM 27-10. Rules of Land Warfare.

##### 3. DISTRIBUTION

Copies of this directive will be distributed to units on the basis of four copies per unit.

##### 4. RULES

As a volunteer corps serving as an auxiliary to the armed forces, the members and units of the Civil Air Patrol will observe the following rules:

- (a) Obey their officers.
- (b) Wear the Civil Air Patrol shoulder patch sewn on their clothing.
- (c) Carry openly such arms as may be required.

(d) Conduct operations according to laws and usages of war.

##### 5. QUESTIONING BY THE ENEMY

Should a Civil Air Patrol member be captured by an enemy, the enemy intelligence officer would probably ask many questions in an attempt to learn as much as possible about our Army and Navy. Under the Rules of Land Warfare, it is not necessary to answer these questions. Prisoners of war under these rules are required to give only the following information to the enemy: Name, grade, and serial number.

##### 6. REQUIREMENT

Due to the importance of this directive, its contents will be impressed upon members of the Civil Air Patrol by frequent reiteration.

By command of Major General Curry.

HARRY H. BLEE,

Colonel, Air Corps,

Training and Operations Officer.

#### OPERATIONS DIRECTIVE No. 7—EXTRACTS FROM RULES OF LAND WARFARE (WAR DEPARTMENT BASIC FIELD MANUAL FM 27-10)

1. The rules of land warfare are based on various treaties which the United States has entered into with other nations of the world. As early as 1864 Red Cross conventions were held. The Hague Convention, first held in 1899, relates to the laws and customs of war on land. Such subjects as the treatment of prisoners of war, their parole, the rights of citizens in occupied countries, and the prohibition of the use of certain types of weapons were set forth in treaties to which the United States and other nations became signatories. There are also unwritten rules and laws of war.

2. When an enemy occupies a hostile country the population is divided into two general classes, known as the armed forces and the peaceful population. Both classes have distinct rights, duties, and disabilities. No person can belong to both classes at one and the same time.

3. It is important that lawful belligerents observe the rules of land warfare so that when captured they will be treated as prisoners of war.

4. Lawful belligerents are composed of armies, militia, and volunteer corps. The laws, rights, and duties of war apply not only to armies but also to militia and volunteer corps fulfilling the following conditions:

- (a) To be commanded by a person responsible for his subordinates.
  - (b) To have a fixed distinctive emblem recognizable at a distance.
  - (c) To carry arms openly.
  - (d) To conduct their operations in accordance with the laws and usages of war. In countries where militia or volunteer corps constitute the army or form part of it they are included under the denomination "army."
- Combatants and noncombatants: The armed forces of the belligerent parties may consist of combatants and noncombatants. In the case of capture by the enemy both have a right to be treated as prisoners of war.

#### OFFICE OF CIVILIAN DEFENSE,

CIVIL AIR PATROL,  
NATIONAL HEADQUARTERS,  
Washington, March 30, 1943.

Subject: Military status of C. A. P. coastal patrols.

To: All C. A. P. coastal patrol commanders. 1. The following is in response to requests for a statement as to the military status of C. A. P. coastal patrols received by this Headquarters from several coastal patrol commanders.

2. The coastal patrol units of Civil Air Patrol are operating under authority contained in Letter of Instructions No. 1, Headquarters Army Air Force Antisubmarine Command, November 27, 1942, which charges these units with the following mission:



"To patrol coastal shipping lanes as directed during daylight hours for the purpose of protecting friendly shipping and of locating and reporting enemy submarines, enemy warships or suspicious craft and to take such action as equipment permits in destruction of enemy submarines; to conduct such special antisubmarine missions as are directed by Headquarters Army Air Force Antisubmarine Command."

3. In the opinion of the Judge Advocate General, as expressed in SPJGW 373.1, May 8, 1942, the personnel on duty with C. A. P. coastal patrol units "are accompanying or serving with the Army of the United States in the field and that under the provisions of Articles of War 2 (d) they are amenable to military discipline and subject to the jurisdiction of military courts."

By direction of National Commander Johnson.

HARRY H. BLEE,  
Colonel, Air Corps, Operations Officer.

WAR DEPARTMENT,  
Washington, D. C., August 23, 1944.  
CIVIL AIR PATROL, ARMY AIR FORCES AUXILIARY  
1. It is desired to clarify certain misconceptions which have arisen at various points throughout the country as to the status of Civil Air Patrol members and the nature of the activities in which they are engaged.

2. Civil Air Patrol, an auxiliary of the Army Air Forces, is an official A. A. F. agency. The purpose of Civil Air Patrol is to organize public-spirited citizens of civil aviation into a volunteer, semimilitary organization; to give them supplementary training in military and allied subjects (except flight training); and to supervise the utilization of their skills and equipment in the war effort. The C. A. P. organization consists of 48 State wings, with local groups, squadrons, and flights organized throughout each State. The entire organization is administered through a national headquarters staff located at 500 Fifth Avenue, New York 18, N. Y., composed of A. A. F. officers assigned to that duty.

3. Civil Air Patrol was established on December 1, 1941, and has performed many useful services for the armed forces, including 18 months of antisubmarine operations over the coastal shipping lanes in the eastern and Gulf-sea frontiers from Canada to Mexico, southern liaison patrol on the Mexican border, exercise of aircraft-warning systems, camouflage observations, courier missions, radar flight tests, and numerous emergency operations. On these missions, approximately 50,000,000 miles have been flown and over 50 C. A. P. personnel have been killed. At present, C. A. P. is conducting tow target and tracking operations for the First and Fourth Air Forces for antiaircraft gunnery training of the Eastern and Western Defense Commands; is operating for the A. A. F. a Nation-wide missing-aircraft search service; and is engaged in the recruitment of aviation cadets and applicants for the Women's Army Corps and in the preflight training of 15-, 16-, and 17-year-old C. A. P. cadets for possible future service with the armed forces or in civilian aviation. Also, trained crash crews of local C. A. P. squadrons throughout the United States are available for volunteer emergency aircraft crash assistance. In addition to services performed for the War Department, Civil Air Patrol also performs emergency missions for other Federal agencies, State governments, and private industries engaged in the war effort, such as the patrol of forests, pipe lines, and flooded areas and the transportation of critical parts and supplies.

4. Members of Civil Air Patrol engaged in the performance of official missions (although acting as civilian volunteers) are required to wear uniforms and insignia authorized by The Adjutant General, which are the same (officers and enlisted men) as those of the

Army Air Forces, with the following distinctive exceptions: Red shoulder loops on outer garments and red piping on garrison caps for both officers and enlisted personnel; red sleeve braid on officers' uniforms and red background for grade insignia of enlisted personnel; silver C. A. P. buttons and insignia, including C. A. P. insignia; silver C. A. P. pilot and observer insignia; and C. A. P. shoulder patch.

5. C. A. P. members are in no instance deferred from service with the armed forces. They are ineligible because of age or physical factors or the fact that they are holding essential jobs in addition to their spare time activity with C. A. P. They are persons who, not being eligible for the armed forces, are nevertheless anxious to contribute to the war effort more than their regular civilian occupations permit. They serve voluntarily without any pay for their services, sometimes receiving allowances to cover their operation and subsistence costs but often standing the expenses of such costs themselves.

[A. G. 324.5 (August 1, 1944).]

By order of the Secretary of War:

G. C. MARSHALL,  
Chief of Staff.

Official:

J. A. ULIO,  
Major General,  
The Adjutant General.

The bill (S. 2193) to provide for recognition of active-duty members of the Civil Air Patrol as veterans of World War No. 2 was read twice by its title and referred to the Committee on Finance.

#### FLOOD-CONTROL PROJECTS— AMENDMENTS

Mr. AIKEN. Mr. President, on behalf of the Senator from New Hampshire [Mr. TOBEY], who is ill and unable to be present, I submit an amendment to House bill 4485, the flood-control bill.

I have been asked to state that this amendment represents the opinion of his Littleton and north country constituents in New Hampshire, who have petitioned him to have this done and who feel strongly in the matter. It relates to a dam at Sugar Hill, N. H.

The ACTING PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. O'MAHONEY (for himself, Mr. AUSTIN, Mr. BUSHFIELD, Mr. CHAVEZ, Mr. CLARK of Idaho, Mr. DOWNEY, Mr. HATCH, Mr. HAYDEN, Mr. JOHNSON of Colorado, Mr. LANGER, Mr. MCCARRAN, Mr. MCFARLAND, Mr. MILLIKIN, Mr. MURDOCK, Mr. MURRAY, Mr. NYE, Mr. ROBERTSON, Mr. SCRUGHAM, Mr. THOMAS of Utah, Mr. THOMAS of Idaho, Mr. WHEELER, and Mr. WILSON) submitted amendments intended to be proposed by them, jointly, to the bill (H. R. 4485) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. AUSTIN and Mr. THOMAS of Oklahoma each submitted an amendment intended to be proposed by them, respectively, to House bill 4485, supra, which were ordered to lie on the table and to be printed.

#### RIVER AND HARBOR IMPROVEMENTS— AMENDMENTS

Mr. BILBO and Mr. TYDINGS each submitted an amendment intended to be proposed by them, respectively, to the

bill (H. R. 3961) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were ordered to lie on the table and to be printed.

#### INVESTIGATION OF PEARL HARBOR DISASTER

Mr. FERGUSON. Mr. President, I submit a Senate resolution providing for the appointment of a special committee of 10 Senators to make a complete investigation of the facts relating to the attack made by the Japanese armed forces on the Territory of Hawaii on December 7, 1941, and ask that it be referred to the Committee on the Judiciary.

The resolution (S. Res. 336), submitted by Mr. FERGUSON, was read, as follows:

*Resolved*, That a special committee of 10 Senators, to be appointed by the President of the Senate, is authorized and directed to make a full and complete investigation of the facts relating to the attack made by the Japanese armed forces upon the Territory of Hawaii on December 7, 1941. Such committee shall report to the Senate as soon as practicable the results of its investigation, together with its recommendations for any necessary legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-eighth and Seventy-ninth Congresses, to employ such experts, and such clerical, stenographic, and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$\_\_\_\_\_, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Mr. BARKLEY. Mr. President, let me ask the Chair whether the Committee on the Judiciary is the proper committee to which to refer this resolution? The resolution pertains to naval and military matters. It provides for the investigation of certain matters pertaining to Pearl Harbor, over which the Committee on the Judiciary does not seem to me to have jurisdiction. I should like to inquire of the Chair whether he thinks that on the mere request by the author of the resolution it ought to go to the Committee on the Judiciary which otherwise would not have jurisdiction of it? The Committee on the Judiciary had jurisdiction of the legislation extending the statute of limitations, which is a judicial matter, but the resolution in question is not one dealing with a judicial matter.

Mr. FERGUSON. Mr. President, it is not my desire at all to select the committee to which the resolution should go. I want it assigned under the Senate rule. The Committee on the Judiciary did have before it the matter relating to the extension of the statute of limitations. That was a matter which properly came before the Committee on the Judiciary, and I assumed that the resolution now submitted, being along the same line, would properly go to that committee.

Mr. BARKLEY. Mr. President, this is not a matter for the extension of the statute of limitations, which is a judicial matter, or a matter which the Committee on the Judiciary properly should handle. It seems to me that an investigation involving the Army and the Navy should go either to the Committee on Military Affairs or the Naval Affairs Committee, or to both, as the case may be. I doubt very much if under the rule the Committee on the Judiciary would have jurisdiction of the resolution.

Mr. HATCH. Mr. President, will the Senator yield to me?

Mr. FERGUSON. I yield.

Mr. HATCH. I wish to make an observation with respect to the question of jurisdiction in connection with what the Senator from Michigan has said. I am sure no member of the Committee on the Judiciary desires to usurp jurisdiction which would properly belong to another committee. The resolution which the Senator from Michigan has just submitted is one which does in a measure, perhaps stretching it somewhat, fall within the jurisdiction of the Committee on the Judiciary for this reason: There have been before our committee on two or three different occasions various measures touching upon the extension of the statute of limitations with respect to certain persons. Necessarily, in the consideration of those bills, our committee has already had some hearings, and has heard from both the Army and the Navy on this subject, and has entertained jurisdiction for that purpose. The proposed investigation, if it shall be authorized, will be an investigation into both the Navy and the Army, which would quite properly call for jurisdiction on the part of either the Committee on Military Affairs or the Naval Affairs Committee. Each committee is coordinate, and whether the resolution should be referred to the Military Affairs Committee or the Committee on Naval Affairs I do not know. I do not urge the point.

Mr. BARKLEY. Mr. President, I do not raise any question as to the jurisdiction of the Committee on the Judiciary with respect to extension of the statute of limitations, but the matter dealt with by the resolution is entirely different, and I do not think the Committee on the Judiciary automatically acquires jurisdiction of investigations pertaining to the Army and the Navy simply because it has jurisdiction over a measure to extend the statute of limitations.

Mr. HATCH. I quite agree with the Senator from Kentucky. It is somewhat of a problem as to which committee should entertain jurisdiction of this particular resolution in view of what has already occurred in the Senate Committee on the Judiciary. I believe that committee is more familiar with the subject and would be better able to pass on the question as to whether the resolution should be reported favorably.

In that connection, Mr. President, I wish to say in my own time with respect to this particular resolution that I have talked with the Senator from Michigan about it, and, in common with him and every person in the United States, I want

to know the full facts concerning the disaster at Pearl Harbor. I am convinced that probably the only way those facts can be fully obtained is by a congressional investigation.

But on the other hand, Mr. President, I am more deeply concerned with the continuation of the splendid cooperation which now exists between the Army and the Navy and the magnificent victories which are being achieved in the great war effort, and I do not want to start an investigation or do anything else which might impede in any way the war effort which is so all-important at this time. So I am not at all sure that I shall support the resolution submitted by the Senator from Michigan, but I believe that, in view of all that has gone on before, the Senate Committee on the Judiciary is the proper committee to consider the resolution.

Mr. BARKLEY. Mr. President, as we all know, the statute of limitations in connection with the Kimmel and Short cases expires on the 7th of December. I understand that a measure has been approved in the other body of Congress, either by a subcommittee or by a full committee, which would extend the statute of limitations for an additional 6 months.

I am as much interested as anyone else can possibly be in obtaining the facts in regard to what happened at Pearl Harbor, but, while that is true, I think it would be unfortunate if public attention should be diverted from the great task which the country now faces of winning the war, by superimposing on that task the effort to obtain through an investigation by a Senate committee or by joint investigation, the facts with respect to what occurred at Pearl Harbor, which cannot be changed. Certainly it is more important now to win the war than it is to find out what happened at Pearl Harbor, much as we are anxious to know what happened. If the measure providing for extending the statute of limitations another 6 months should be enacted into law it seems to me we would have more time to conduct an investigation by the Congress, and I assume that so far as I am concerned I shall have no objection to the extension of the statute of limitations for 6 months more when the measure making such provision shall come before the Senate.

The remark I am about to make has no more reference to the proposed investigation than to any other. We are now nearing the end of the Seventy-eighth Congress. We have only about 4 weeks more of it left. As a general proposition I think we should wait the incoming Congress before any more investigations of any kind are authorized. We know that all sorts of investigations have been carried on by both Houses of Congress during almost the entire life of the Seventy-eighth Congress. What proportion of those investigations have resulted in any good I would not attempt to say. I know that such investigations have taken Members of the Senate of the United States all over the country to such an extent that it has frequently been difficult to obtain a quorum in the Senate

by reason of the absence of members of investigating committees conducting investigations. Now we are about to approach the end of the seventy-eighth session of the Congress and the new Congress will come in, and it seems to me it would be unwise now to create new investigating committees which would hang over into the next Congress. I think the slate ought to be wiped as clean as possible at the end of the present session of Congress, so that the new Congress can take such action as it may see fit to take in the matter of further investigations of any kind. For that reason I feel hesitant about giving my personal approval to any new investigation, because a new Congress will convene on the 3d of January.

Investigations which have proceeded up to the present time, and which are no longer needed, ought to be abandoned. Those which are entitled to be continued will no doubt receive a new lease of life from the incoming Congress. I think it would be unwise, as a general policy—and that statement has no more relation to Kimmel and Short than it has to any other subject—for the Senate at this stage of the present Congress to begin to authorize new investigations of any kind whatever, because the incoming Congress can consider such questions. If the extension of the statute of limitations for 6 months more should be granted, Congress would be in a position more leisurely to decide what it wishes to do in regard to the matter.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HATCH. The Senator has just suggested the extension of the period of the statute of limitations, which prompts this suggestion: The Senator from Michigan [Mr. FERGUSON] has today reported from the committee a bill extending the statute of limitations for a period of 6 months. The bill will go on the calendar today. I think it is very important that that measure be taken up and disposed of at the earliest possible moment.

Mr. BARKLEY. I agree to that. My remarks had reference to the action of the Judiciary Committee in another body. I did not know that the Senate Committee on the Judiciary had acted today. I shall be very glad to have action taken on that measure as soon as possible.

Mr. FERGUSON. I shall ask for action on the measure extending the period of the statute of limitations for 6 months as soon as it reaches the calendar.

Mr. BARKLEY. There will be no difficulty in obtaining consideration of that measure.

Mr. FERGUSON. On the other question, as I understand the rule, this is not the time to argue the merits of the resolution. The question now before the Senate is to decide to which committee it should go. I am prepared to argue the merits of the resolution, but I shall not do so at this time, because this is not the appropriate time.

The ACTING PRESIDENT pro tempore. The Chair is advised by the Parliamentarian that under the wording of



the proposed resolution it should go to the Committee on Military Affairs. The language is as follows:

That a special committee of 10 Senators, to be appointed by the President of the Senate, is authorized and directed to make a full and complete investigation of the facts relating to the attack made by the Japanese armed forces upon the Territory of Hawaii on December 7, 1941.

The Parliamentarian is of the opinion that that is a military matter, and that it should go to the Committee on Military Affairs. Has the Senator from Michigan any objection to that?

Mr. FERGUSON. I have no objection. As I stated in the beginning, I thought it was appropriate that it go to the Committee on the Judiciary; but there was no intention to select a committee.

The ACTING PRESIDENT pro tempore. Of course, the Senator would have the right to move that the resolution be referred to any particular committee; but the ruling of the Chair is that it should go to the Committee on Military Affairs. Without objection, it will be referred to that committee.

#### FUNERAL EXPENSES OF THE LATE SENATOR SMITH, OF SOUTH CAROLINA

Mr. MAYBANK submitted the following resolution (S. Res. 337), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of Hon. ELLISON D. SMITH, late a Senator from the State of South Carolina, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

#### CONTINUATION OF AUTHORITY FOR INVESTIGATION OF THE PRODUCTION, TRANSPORTATION, AND MARKETING OF WOOL

Mr. O'MAHONEY submitted the following resolution (S. Res. 338), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That Senate Resolution 160, Seventy-fourth Congress, first session, agreed to July 10, 1935, authorizing a special committee to investigate the production, transportation, and marketing of wool, as extended, is hereby further extended and continued in full force and effect during the Seventy-ninth Congress; and the said committee may report to the Senate at any time prior to December 31, 1946. The said committee hereby is authorized to expend from the contingent fund of the Senate \$5,000, in addition to the amounts heretofore authorized for the same purposes.

#### ANNIVERSARY OF THE STAR-SPANGLED BANNER—SPECIAL POSTAGE STAMP

Mr. RADCLIFFE submitted the following resolution (S. Res. 339), which was referred to the Committee on Post Offices and Post Roads:

*Resolved*, That it is the sense of the Senate that, September 12, 1944, having been the one hundred and thirtieth anniversary of the writing of the Star-Spangled Banner, the Postmaster General should issue a special postage stamp, of such denomination, of such

design, and for such period as he may determine, in commemoration of the author of our national anthem, Francis Scott Key.

#### CHANGE OF REFERENCE OF BILL—MISSOURI RIVER BASIN

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The resolution (S. Res. 332) submitted by Mr. BAILEY on November 16, 1944, was read as follows:

*Resolved*, That the Committee on Agriculture and Forestry be discharged from the further consideration of the bill (S. 2100) to provide for the improvement and development of navigation, irrigation, and control of floods on the Missouri River and its tributaries, for the promotion of the national defense, and for other purposes, and that it be referred to the Committee on Commerce.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. BAILEY. Mr. President, with reference to both the Senate Resolution 332 and Senate Resolution 333, I believe I can make a statement which will clear them from the calendar.

I have talked with the senior Senator from Iowa [Mr. GILLETTE] and he has agreed that Senate bill 2100 may be withdrawn from the committee to which it was referred, and referred to the Committee on Commerce.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

#### CHANGE OF REFERENCE OF BILL—MISSOURI RIVER AUTHORITY

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The resolution (S. Res. 333) submitted by Mr. BAILEY on November 16, 1944, was read as follows:

*Resolved*, That the Committee on Agriculture and Forestry be discharged from the further consideration of the bill (S. 2089) to establish a Missouri River Authority to provide for unified water control and resource development on the Missouri River and surrounding region in the interest of the control and prevention of floods, the promotion of navigation and reclamation of the public lands, the strengthening of the national defense, and for other purposes, and that it be referred to the Committee on Commerce.

Mr. BAILEY. Mr. President, with respect to the bill introduced by the junior Senator from Montana [Mr. MURRAY], Senate bill 2089, I have had a conversation with the Senator, who is present, and who states that there is no intention at this time to take up the bill in the committee to which it was referred, and that there will be no action at this Congress. He has agreed that prior to introducing the bill and having it referred in the next Congress, he and I will have a conversation to see if we cannot settle the question. It is agreeable to me to allow the resolution to lie on the table until the Congress expires.

Mr. MURRAY. Mr. President, of course, it is understood that I am not committing myself on any question.

Mr. BAILEY. I understand. The Senator and I will have a conversation to try to settle the question. If we cannot settle it, it will be presented again in the form of a motion.

The ACTING PRESIDENT pro tempore. Without objection, Senate Resolution 333 will lie on the table.

#### MISSOURI RIVER BASIN (S. DOC. NO. 247)

Mr. O'MAHONEY. Mr. President, earlier in the session there was printed as Senate Document No. 191 the report of the Bureau of Reclamation on a plan for the development of certain projects in the Missouri Valley. After the submission of that document the Army engineers and the Bureau of Reclamation had a conference at Omaha, in which the two groups of engineers perfected an integrated report. It is an engineering document, which combines the feasible aspects of the Army engineers' report for the Missouri Valley and of the Bureau of Reclamation report for the Missouri Valley.

I ask unanimous consent that this integrated report be printed as a Senate document for the information of the Senate as a supplement to Senate Document No. 191.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

#### PRONOUNCEMENT BY AMERICAN CATHOLIC HIERARCHY ON INTERNATIONAL ORGANIZATION FOR PEACE

Mr. BROOKS. Mr. President, at the close of a solemn conclave on international order, the American Catholic hierarchy, on Saturday last, released a most profound pronouncement following the deliberations of the Catholic bishops of the United States. It appeared in the Washington Sunday Times-Herald.

It is a statement of principles calling for a post-war world of "freemen and free nations with their freedom secured under law."

Because of the significance of this pronouncement, I had intended to ask unanimous consent to have it printed in the Appendix of the RECORD, but I am informed that it appears in the Appendix of the RECORD at page A4435.

Mr. WALSH of Massachusetts. Mr. President, I also had intended to ask to have printed in the RECORD the statement issued by the Catholic bishops. In view of the statement of the Senator from Illinois [Mr. BROOKS], of course I shall not ask that it be again printed.

#### SHAPING THE ECONOMIC FUTURE—EMPLOYMENT OF VETERANS—ADDRESS BY BRIG. GEN. FRANK T. HINES

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an address on the subject Shaping the Economic Future—Employment of Veterans, delivered by Brig. Gen. Frank T. Hines, Administrator of Veterans' Affairs and Administrator of Retraining and Employment, before the Academy of Political Science at New York City, November 15, 1944, which appears in the Appendix.]

#### PROPOSED MISSOURI VALLEY AUTHORITY—ADDRESS BY DAVID E. LILIEN-THAL

[Mr. MURRAY asked and obtained leave to have printed in the RECORD an address on

the subject of the proposed Missouri Valley Authority, delivered by David E. Lillenthal, Chairman of the Tennessee Valley Authority, before the State convention of North Dakota Farmers Union in Bismarck, N. Dak., November 3, 1944, which appears in the Appendix.]

The ACTING PRESIDENT pro tempore. The morning business is concluded.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. McLeod, one of its clerks, communicated to the Senate the resolutions of the House adopted as a tribute to the memory of Hon. Ellison D. Smith, late a Senator from the State of South Carolina.

#### FLOOD-CONTROL PROJECTS

Mr. OVERTON. Mr. President, I move that the Senate proceed to the consideration of House bill 4485, the flood control bill.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 4485) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to; and the Senate resumed the consideration of the bill, which had been reported from the Committee on Commerce with amendments.

Mr. BAILEY. Mr. President, will the Senator yield to me?

Mr. OVERTON. I am very glad to yield to the Senator from North Carolina.

Mr. BAILEY. I wish to say to the Senate that the Senator from Louisiana, who has the floor and has yielded to me for a moment, will have charge of this bill. I intend to support him so far as possible.

Beginning early in last April, the Senator from Louisiana conducted hearings on the flood control bill and the river and harbor bill, and is now conducting some rather abbreviated hearings on the St. Lawrence seaway proposal. He has worked with great diligence and understanding. I feel that I owe him a great debt of gratitude for his labors. I owe it to him to make a statement on the floor of the Senate.

I do not know of any other Senator so competent to deal with our waterways as is the senior Senator from Louisiana. I doubt if there could be found, in the Senate or elsewhere, a man who could work on this legislation as diligently and patiently through the long summer months, until just recently, as has the Senator from Louisiana. I believe that he knows more than any of us about the waterways of the United States, including canals, rivers, and flood control works. In the committee I lean upon him almost completely in that field. The hearings were very long and tedious. The bills covered the whole country; but the Senator from Louisiana stood to his task day after day, and brought a great deal of intelligence, as well as patience,

to his labors. I wish to thank him with all my heart.

I have just one other word to say about the matter. Whenever these bills come up in the Senate, I read in the newspapers that our old "pork barrel" is back. These bills relate to the whole post-war activities. We have had no bills of this character since the President vetoed the last such bill in June 1940. The amounts involved are enormous, but I do not think anyone can justly say that the pending bill is "pork barrel" legislation. On the other hand, every project in the bill has been approved by the Army engineers as an economic undertaking, and nothing has been put into the bill merely to please any Senator or by way of distribution of favor or patronage or "pork."

With that statement, Mr. President, I feel perfectly safe in leaving the whole matter of the conduct of the bill in the Senate to my distinguished friend the senior Senator from Louisiana [Mr. OVERTON].

Mr. OVERTON. Mr. President, I wish to thank the senior Senator from North Carolina for the very complimentary references he has made to me and to my work on the Commerce Committee. I wish to say that I am very grateful to him for the splendid cooperation he has given me and the other members of the full committee and the members of the subcommittee, and I wish particularly to make acknowledgment to the junior Senator from Ohio [Mr. BURTON] and the junior Senator from Oregon [Mr. CORDON] for their very faithful attendance at all times at all meetings of the subcommittee, which, as the Senator from North Carolina has stated, lasted for many days.

Mr. MURRAY. Mr. President, will the Senator yield to me?

Mr. OVERTON. I yield.

Mr. MURRAY. Before the Senator from Louisiana proceeds with the presentation of the bill, I should like to have it made clear that I am opposed to the consideration of this proposed legislation at this time. I believe that the bill as it now stands does not adequately protect the rights and interests of the upper valley States in the Missouri River Basin, and that the bill is another piece of legislation which does not adequately cover the situation in my section of the country. I believe it is just another example of piecemeal legislation. It seems to me that the Congress would be acting wisely if consideration of this legislation was passed over until the next session, at which time we could consider a more comprehensive bill covering these flood-control projects and also providing for a unified development of the large river basins in the country.

Therefore, Mr. President, I wish to have it clearly stated in the Record that I am opposed to having the Senate proceed to the consideration of this bill at this time. I think it is unwise; I think it does not adequately cover the problems which should be covered in order to meet the conditions which will confront us when the war is over. If we are to meet the great problems which will confront this country at the end of the

war, I think we must have comprehensive legislation for the development of these various river valleys. Especially in the Missouri River Basin there is opportunity for a huge program of reclamation and industrial development through which we may provide homes for many thousands of persons who can be settled in that part of the country after the war is over. But that can only be done by legislation more comprehensive than the bill which is before us at this time.

So, Mr. President, I wish to have the Record show clearly that I am not in favor of this legislation at this time.

Mr. OVERTON. Mr. President, the pending bill contemplates that the projects to be authorized will be constructed, for the most part, in the post-war period. It is not exactly correct to say that all the projects provided for in the bill are post-war projects. The provision as now written in the bill is as follows:

When the existing critical situation with respect to materials, equipment, and manpower no longer exists, and in any event not later than immediately following the cessation of hostilities in the present war, the projects herein shall be initiated as expeditiously and prosecuted as vigorously as may be consistent with budgetary requirements.

It is necessary Mr. President, that the bill be enacted as promptly as possible, because after the various projects have been authorized by Congress, the Army Engineers must proceed with the preparation of detailed plans. That work requires considerable additional investigation and study. Therefore, the sooner the bill is passed the sooner can the Chief of Army Engineers and the Corps of Engineers proceed with the task of perfecting the plans and dealing with the projects which will be authorized.

Mr. President, as the senior Senator from North Carolina has very well pointed out, this bill is in no sense a pork barrel bill. I do not think there is any bill which comes before the Congress—and I say this, not with particular reference to the pending bill, but with reference to flood control bills and river and harbor bills generally—which undergoes more careful scrutiny than do such bills before they are submitted for the consideration of the Congress. The pending measure is not a pork barrel bill, because every project contained in it on which a report has been made has been initiated locally among local interests; and after they had proposed the particular project, the Congress of the United States authorized the making of a preliminary survey and investigation of it.

The Chief of Army Engineers and the Corps of Engineers cannot undertake an investigation of any flood-control projects or any river and harbor projects unless they receive a mandate from the Congress to do so. That mandate is contained in a direction and an authority to make a preliminary examination and survey of the proposed project. When that is done, the Chief of Army Engineers sends the proposal to the district engineer within whose jurisdiction the



project lies. The district engineer begins by collecting all the available data the engineers have with reference not only with respect to the project itself, but with respect to the whole area and with respect to its relation to other projects and other streams. After the district engineer has made this preliminary study, he sets down the matter for public hearing, and at the hearing representatives of local interests and all others who are interested one way or the other are given an opportunity to appear and to be heard, and a record is made of the testimony taken, as given by the proponents and the opponents of the project.

After that is done, the district engineer proceeds to formulate a report on the project, either favorable or unfavorable. He sends it to the division engineer. When it reaches the division engineer, it undergoes close scrutiny at his hands. When the division engineer has completed his work, he sends the report to the Board of Engineers for Rivers and Harbors. The Board of Engineers for Rivers and Harbors proceeds to the consideration of the project. At the request of anyone in interest, public hearings are conducted, and again the whole subject matter is reviewed and the testimony of witnesses for and against the project is taken down.

After such thorough consideration has been given by the Board of Engineers for rivers and harbors, the board makes such changes and modifications as it desires or recommends with respect to the project, and submits its report.

The report is then sent to the Chief of Engineers, who proceeds to the consideration of the project, and makes such changes and alterations as he deems advisable.

After that has been done, Mr. President, the project is not sent immediately by the Chief of Engineers to the Congress, because if it is a project in which the Bureau of Reclamation is interested, or in which the Federal Power Commission is interested, the Chief of Engineers sends his proposed report to the Commissioner of the Bureau of Reclamation and to the chairman of the Power Commission for their comments and observations.

After that has been done the Chief of Engineers submits the matter to the Secretary of War, who transmits it to the Congress, and it is then printed as a public document, either as a House document or as a Senate document.

In addition to all the careful investigation to which I have referred and all the public hearings which have been conducted in reference to all the projects, monthly meetings are conducted in

the city of Washington between the Chief of Engineers and his staff, the Commissioner of the Bureau of Reclamation and his staff, the Chairman of the Federal Power Commission and his representatives, and the Land-Use Coordinator of the Department of Agriculture. The purpose of the monthly meetings is to consider the different projects and the general picture with reference to the proper utilization of the waters of the Nation. The officials to whom I have referred consult and undertake to harmonize their differences and to come to an agreement as to what is best for navigation, for flood control, for irrigation, reclamation, power, and for agricultural development of the territory through which the waters flow.

Therefore, Mr. President, I do not believe any other bill coming before the Congress undergoes such careful scrutiny by experts and is the subject of such extensive public hearings as do the various river-and-harbor bills.

What happens? A bill is introduced either in the House or in the Senate, containing for the most part the various projects which have been recommended by the Chief of Engineers. The Flood Control Committee of the House—if the bill originates in the House, as it usually does—or the Committee on Rivers and Harbors of the House, sets the bill down for hearings and the public is invited to attend. All who are in favor of and all who are opposed to any project contained in either the flood-control bill or the river-and-harbor bill are given an opportunity to be heard before the committee.

Take, for example, the particular bill now before the Senate. The printed pages of testimony covered in the House hearings number 1,248. The period of time covered in the House hearings was from May 13, 1943, to February 23, 1944. After the bill passed the House and came to the Senate, the Senate Committee on Commerce proceeded to conduct hearings, and the period of time covered by the hearings on the bill in the Senate committee was from May 29 to June 15, 1944, and the number of printed pages in the record amounted to 816.

Mr. President, I wish to go back a step with reference to the action taken by the Chief of Engineers. I stated that all projects had to be initiated in Congress under authority for a preliminary examination and survey. They are not all approved, by any means. The majority of them are not approved. The majority of them are rejected. Since we passed the Flood Control Act of 1941, which was the last Flood Control Act to be passed, the total number of proposals which were

investigated by the Army engineers was 203. Of those proposals only 78, or 38 percent, were approved. One hundred and twenty-five or 62 percent, were rejected.

So, Mr. President, I do not believe there is any bill which undergoes closer legislative scrutiny, more searching engineering scrutiny, and more diligent expert scrutiny before it reaches the floor of either the House or the Senate—I will include in that statement even our revenue and appropriation bills—than the various flood control and river and harbor bills. I wish to make that statement particularly clear.

As stated by the Senator from North Carolina this is not a pork-barrel bill. So far as the Army engineers are concerned, they have been dealing with navigation projects for 124 years. They have been dealing with flood-control projects ever since flood-control projects became a national obligation. I can say of the Bureau of Reclamation that for 40 years they have been studying what is necessary and proper in connection with the problems of irrigation, and in connection with other similar uses of water. They have become experts in that field. I believe that the Army engineers whom we have trained in peacetime work have justified their training by the services which they have rendered on the battlefields of the world. I believe that the Army engineers are by far the finest group of engineers, not only in the history of this Nation, but in the history of the entire world. The magnificent engineering works which helped the progress of our troops as they moved forward toward the enemy were prepared, planned, and constructed by engineers who had received experience in the United States of America and its territories during peacetime in connection with rivers and harbors, and flood-control work.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD as a part of my remarks a breakdown by States of all the projects contained in the flood-control bill. I make the request so that information on the subject may be made available to Senators who may be interested in the matter. It is obviously impossible to segregate by States the cost of projects which are in more than one State. The tabulation will show the total cost of such projects in each State involved, and allocated to each State, instead of a distribution being made. Such projects in the report are marked with an asterisk.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

*Projects in H. R. 4485 as reported out by the Committee on Commerce on June 22, 1944*

[NOTE.—As it is obviously impracticable to segregate by States the costs of projects which are in more than 1 State, the tabulation below includes the total cost of such project in each State involved. Such projects are marked with an asterisk.]

	First cost	Cost of maintenance and operation
Arizona:		
Alamo Reservoir, Bill Williams River.....	\$3,202,000	\$4,000.
Arkansas:		
*Mississippi River, Cairo, Ill., to Baton Rouge, La.	200,000,000	
Narrows Reservoir and local flood protection on Little Missouri River <sup>1</sup> .....	3,800,000	\$20,000.
Blakely Mountain Reservoir, Ouachita River.....	11,080,000	\$61,000.
*Boeuf and Tensas Rivers and Bayou Macon, Arkansas and Louisiana.....	5,013,000	Local.
Arkansas River main stem:		
Fort Smith, levee, floodwall, and appurtenances.....	898,660	Po.
Van Buren, levee, floodwall, and appurtenances.....	329,000	Po.
<sup>1</sup> Increased authorization for existing project.		

Projects in H. R. 4485 as reported out by the Committee on Commerce on June 22, 1944—Continued

	First cost	Cost of maintenance and operation
<b>Arkansas—Continued.</b>		
<b>Arkansas River main stem—Continued.</b>		
Crawford County levee district, <sup>1</sup> levee and appurtenances.....	\$1,546,000	Local.
McLean Bottom levee district No. 3, levee and diversion.....	517,000	Do.
Dardanelle drainage district <sup>1</sup> (near Dardanelle), levees and appurtenances.....	122,500	Do.
Pope County levee district No. 1 and Conway County levee district Nos. 3 and 7 <sup>1</sup> (west of Morrilton), levee, cut-off, and appurtenances.....	855,000	Do.
Conway County levee district No. 6, levee and appurtenances.....	371,000	Do.
Conway County levee districts Nos. 1, 2, and 8, levees and appurtenances.....	1,005,000	Do.
Roland drainage district, levee and appurtenances.....	339,000	Do.
Little Rock levees <sup>1</sup> (east end Fourche Bayou), levees, intercepting ditch, 2 cut-offs, and appurtenances.....	465,200	Do.
Little Rock to Pine Bluff <sup>1</sup> (head of Fourche Island to Pennington Bayou), <sup>1</sup> levees and appurtenances.....	583,000	Do.
Tucker Lake area, <sup>1</sup> levees and appurtenances.....	207,000	Do.
*White River Basin.....	45,000,000	\$250,000.
<b>California:</b>		
San Diego, San Diego River, levee.....	370,000	\$2,000.
Ventura, lower Ventura River, levee.....	1,080,000	Local.
Ojai, Stewart Canyon (Ventura River Basin), debris, basin, and channel.....	520,000	Do.
Santa Ana River Basin, including Lytle and Cajon Creeks <sup>1</sup> .....	10,000,000	Do.
Los Angeles and San Gabriel Basin and Ballona Creek <sup>1</sup> .....	25,000,000	Do.
Watsonville, Pajaro River, levee.....	452,160	Do.
Gilroy, Pajaro River Basin, levee.....	59,000	Do.
Sacramento River, <sup>1</sup> initial stage consisting of extension of local protection along main stem, levees, and other local protection along tributaries, low Table Mountain Dam, and Black Butte Dam.....	15,000,000	\$135,000.
Folsom Reservoir, American River.....	18,474,000	\$50,000.
Isabella Reservoir, Kern River.....	6,800,000	\$25,000.
Terminus Reservoir, Kaweah River, and Success Reservoir, Tule River.....	4,600,000	\$13,000.
Pine Flat Dam, Kings River.....	19,700,000	\$40,000.
Merced County stream group.....	1,300,000	Local operation and maintenance of all works except reservoirs is additional. \$4,000 Federal maintenance of reservoirs.
Burns Creek Reservoir.....	\$171,800	
Bear Creek Reservoir.....	292,000	
Owens Creek Reservoir.....	168,800	
Mariposa Creek Reservoir.....	417,000	
Black Rascal Canal.....	68,800	
Owens Creek Canal.....	15,200	
Miles Creek Canal.....	6,500	
Lower San Joaquin River.....	8,000,000	
New Malones Reservoir, Stanislaus River, contribution to Don Pedro Reservoir to be built by local interests; channel improvements and levees on San Joaquin River and tributaries.....		
Littlejohn Creek and Calaveras River group.....	3,868,200	\$14,600 maintenance and operation for channel by local interests.
Farminston Reservoir, Littlejohn Creek.....	\$1,561,000	
Enlarge Hogan Reservoir, Calaveras River.....	1,942,000	
Diversions, channels, levees, and dikes.....	365,200	
Conn Creek Reservoir, Napa River.....	460,000	Local.
<b>Colorado:</b>		
Colorado Springs, Fontaine Que Bouille River, floodway and appurtenances.....	500,000	Do.
Trinidad, Purgatoire River, channel and levees.....	909,000	Do.
*Missouri River Basin <sup>1</sup> .....	200,000,000	
Cherry Creek Reservoir <sup>1</sup> .....	7,500,000	\$3,000.
Morrison, Bear Creek, channel clearing.....	220,000	Local.
Creede, Willow Creek, timber flume.....	68,500	Do.
<b>Connecticut:</b>		
*Connecticut River Basin.....	30,000,000	
*Thames River Basin.....	7,200,000	
Thomaston Reservoir, Housatonic River Basin.....	5,151,000	\$15,200.
<b>Georgia:</b>		
*Clark Hill Reservoir, Savannah River.....	35,300,000	\$223,000.
*Allatoona Reservoir, <sup>1</sup> Mobile River Basin.....	14,460,000	\$50,000.
Hawaii: Hanapepe, Kauai Island, Hanapepe River, T. H., local flood protection.....	73,000	Local.
<b>Idaho:</b>		
Snake River between Heise and Roberts, channel improvement.....	734,000	Do.
Weiser, Snake River, bank protection.....	9,000	Do.
<b>Illinois:</b>		
*Ohio River Basin.....	70,000,000	
*Upper Mississippi River Basin.....	10,000,000	
Galena, Galena River, local protection.....	300,000	Do.
Illinois River, floodway at Big Prairie drainage and levee district.....	111,500	None.
<b>Indiana:</b>		
*Ohio River Basin.....	70,000,000	
<b>Iowa:</b>		
Red Rock Dam, Des Moines River <sup>1</sup> .....	15,000,000	\$55,000.
Des Moines, local flood protection along Des Moines and Raccoon Rivers.....	270,000	Local.
Sabula, Mississippi River.....	25,000	Do.
Elkport, Turkey River.....	13,000	Do.
*Missouri River Basin <sup>1</sup> .....	200,000,000	
Denison, Boyer River—local protection.....	17,830	Do.
Hamburg, Nishnabotna River.....	236,000	Do.
*Upper Mississippi River Basin <sup>1</sup> .....	10,000,000	
<b>Kansas:</b>		
*Arkansas River Basin <sup>1</sup> .....	35,000,000	
*Missouri River Basin <sup>1</sup> .....	200,000,000	
*Kansas Citys, Kans. and Mo., <sup>1</sup> local protection.....	8,445,000	Do.
<b>Kentucky:</b>		
*Ohio River Basin.....	70,000,000	
The following projects have been added to the comprehensive plan for the Ohio River Basin:		
Taylorville, Salt River, local protection (maintenance and operation).....	\$129,350	
Kentucky River Basin, Jessamine and Booneville Reservoirs (\$19,000 maintenance and operation).....	23,756,000	
Jackson Cut-Off, Kentucky River Basin (local maintenance and operation).....	66,000	70,000,000
Middlesborough, Yellow Creek—local protection (local maintenance and operation).....	205,200	
Rough River—channel improvement (local maintenance and operation).....	320,000	
Barnett Creek, Rough River Basin—channel rectification (local maintenance and operation).....	40,000	
*Mississippi River—Cairo, Ill., to Baton Rouge, La.....	200,000,000	
<b>Louisiana:</b>		
*Mississippi River, Cairo, Ill., to Baton Rouge, La.....	200,000,000	
*Boeuf and Tensas Rivers and Bayou Macon, Ark. and La.....	5,013,000	Do.
Red River, vicinity of Shreveport, bank protection.....	3,000,000	Do.
<b>Maryland:</b> *Ohio River Basin.....		
The following project has been added to the comprehensive plan for the Ohio River Basin: *Youghiogheny River Basin (\$423,000 maintenance and operation).....		
	\$37,970,000	
<b>Massachusetts:</b>		
West Hill Reservoir, Blackstone River Basin.....	1,070,000	\$8,270.
Worcester Diversion, Blackstone River Basin.....	2,232,000	Local.
*Connecticut River Basin <sup>1</sup> .....	30,000,000	
*Thames River Basin <sup>1</sup> .....	7,200,000	
<sup>1</sup> Increased authorization for existing project.		



Projects in H. R. 4485 as reported out by the Committee on Commerce on June 22, 1944—Continued

	First cost	Cost of maintenance and operation
Minnesota: Red Lake River channel improvement and Red Lake control structures.....	\$502,940	\$2,000 plus channel maintenance by local interests.
Mississippi:		
*Mississippi River, Cairo Ill., to Baton Rouge, La.....	200,000,000	
Yazoo River tributaries.....	3,752,000	Local.
Yazoo River, Satartia area.....	1,932,000	Do.
Missouri:		
*Upper Mississippi River Basin <sup>1</sup> .....	10,000,000	
*White River Basin <sup>1</sup> .....	45,000,000	
Ste. Genevieve levee district No. 1, <sup>1</sup> levee extension.....	141,000	Do.
*Missouri River Basin <sup>1</sup> .....	200,000,000	
Chariton River, local protection.....	1,670,200	Do.
*Kansas Citys, Kans. and Mo., <sup>1</sup> local protection.....	8,445,000	Do.
*Mississippi River, Cairo, Ill., to Baton Rouge, La.....	200,000,000	
Montana:		
Harlem, Milk River, <sup>1</sup> local protection.....	21,100	Do.
Havre, Milk River, local protection.....	313,100	Do.
Nebraska: *Missouri River Basin <sup>1</sup> .....	200,000,000	
New Hampshire: *Connecticut River Basin <sup>1</sup> .....	30,000,000	
New York:		
*Ohio River Basin.....	70,000,000	
The following project has been added to the comprehensive plan for the Ohio River Basin: Lake Chautauqua and Chadakoin (\$3,135,500, local maintenance and operation) River area, Conewango Creek.		
*Southern New York and eastern Pennsylvania, <sup>1</sup> Susquehanna River Basin.....	4,755,000	
Panther Mountain Reservoir, Black River.....	600,000	Do.
Chittenango Creek, channel improvement.....	111,000	Do.
Owasco inlet and outlet, and tributaries, channel improvement and appurtenant works.....	64,200	Do.
Mount Morris Reservoir, Genesee River.....	5,360,000	\$26,800.
North Carolina:		
*Roanoke River Basin, Buggs Island and Philpott Reservoirs.....	36,140,000	\$164,100.
*Yadkin-Pee Dee River Basin, Wilkesboro Reservoir.....	10,840,000	\$62,200.
North Dakota:		
Bald Hill Reservoir, Sheyenne River.....	810,000	\$6,000.
Reservoirs on Tongue and Pembina Rivers.....	333,800	\$5,000.
Reservoir on Park River.....	358,610	\$2,050.
*Missouri River Basin.....	200,000,000	
Beulah, Knife River, local protection works.....	26,100	Local.
Hazen, Knife River, local protection works.....	6,600	Do.
Ohio: *Ohio River Basin.....	70,000,000	
The following projects have been added to the comprehensive plan for the Ohio River Basin:		
Dillonvale, Short Creek (local maintenance and operation).....	\$94,100	
Adena, Short Creek (local maintenance and operation).....	64,100	
Burr Oak Reservoir, Hocking River (plus \$6,000 maintenance and operation; local interests to maintain water supply portion in addition).....	400,000	
Oklahoma:		
*Arkansas River Basin.....	35,000,000	
Arkansas River main stem:		
Tulsa and West Tulsa, bridge modification.....	133,000	Do.
Jenks, levee.....	264,000	Do.
Near Fort Gibson, levees and appurtenances.....	260,100	Do.
Dirty Creek bottom, levee and appurtenances.....	421,000	Do.
Tucker Lake bottom, levee and appurtenances.....	435,000	Do.
Braden bottom, levee and appurtenances.....	192,000	Do.
Pie Skin Bayou-Camp Creek bottom, levee and appurtenances.....	243,000	Do.
Moffett bottom, levees, relocations, and appurtenances.....	957,000	Do.
Oregon:		
Nehalem River.....	23,000	Do.
Willamette River Basin <sup>1</sup> .....	10,000,000	
Arlington, Alkali Canyon.....	118,000	Do.
Coquille River.....	143,000	Do.
Pennsylvania:		
Susquehanna River at Harrisburg <sup>1</sup> .....	2,527,000	Do.
Tyrone, Susquehanna River Basin.....	1,392,000	Do.
*Southern New York and eastern Pennsylvania, <sup>1</sup> Susquehanna River Basin.....	4,755,000	
Raystown Reservoir, Susquehanna River Basin.....	2,000,000	\$90,000.
*Ohio River Basin.....	70,000,000	
The following projects have been added to the comprehensive plan for the Ohio River Basin:		
Latrobe, Loyalhanna Creek (local maintenance and operation).....	\$112,700	
Turtle Creek Reservoir (plus \$15,000 maintenance and operation, plus maintenance of channel below reservoir by local interests).....	2,613,000	
*Youghiogheny River Basin (\$423,000 maintenance and operation).....	37,970,000	
Ridgeway, Johnsonburg, Saint Marys, and Brockway.....		
Rhode Island:		
Woonsocket, channel improvement, Blackstone River Basin.....	\$03,000	Local.
Pawtucket, floodwall, Blackstone River Basin.....	\$2,000	Do.
South Carolina:		
Edisto River, channel improvement.....	139,000	Do.
*Clark Hill Reservoir, Savannah River.....	35,300,000	\$223,000.
South Dakota: *Missouri River Basin <sup>1</sup> .....	200,000,000	
Tennessee:		
*Ohio River Basin.....	70,000,000	
*Mississippi River, Cairo, Ill., to Baton Rouge, La.....	200,000,000	
Texas:		
North Concho River, Colorado River Basin, Tex.....	4,800,000	\$25,000. In addition, local interests maintain local protection works.
Pecan Bayou, Colorado River Basin, Tex.....	1,500,000	\$2,000. In addition, local interests maintain enlarged Lake Brownwood Reservoir.
Whitney Reservoir, Brazos River Basin.....	15,000,000	\$70,000.
Utah: Sevier River at Redmond, Utah.....	281,000	Local.
Vermont:		
*Connecticut River Basin <sup>1</sup> .....	30,000,000	
*Winouski River Basin <sup>1</sup> .....	2,120,000	Do.
Virginia:		
*Roanoke River Basin, Buggs Island and Philpott Reservoirs.....	36,140,000	\$164,000.
*Ohio River Basin.....	70,000,000	
Washington:		
Pullman, Palouse River Basin.....	187,000	Local.
Colfax, Palouse River Basin.....	201,000	Do.
Raymond, Willapa River Basin.....	127,000	Do.
Hoquiam, Aberdeen, and Cosmopolis, Chehalis River.....	669,000	Do.
West Virginia: *Ohio River Basin.....	70,000,000	
The following project has been added to the comprehensive plan for the Ohio River Basin: Rowlesburg Reservoir, Cheat River (\$171,500 maintenance and operation).....		
Wisconsin: *Upper Mississippi River Basin <sup>1</sup> .....	\$29,230,000	
	10,000,000	

<sup>1</sup> Increased authorization for existing project.

Mr. OVERTON. Mr. President, with that preliminary statement I ask unanimous consent that the formal reading of the bill be dispensed with, that it be considered for amendment, and that the committee amendments be first considered.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The first amendment of the Committee on Commerce will be stated.

The first amendment of the Committee on Commerce was, on page 1, line 3, after the word "assembled", to insert:

It is the purpose of this act to establish a definite policy of making use of existing Federal agencies for the construction, operation, and maintenance of all public improvements in connection with navigation, flood control, and allied activities; to insure co-ordinated operation of all Federal projects therein for the improvement of navigation and alleviation of flood conditions; to provide for realization of other benefits to be derived from such projects; to facilitate preparations and planning for post-war construction by the Federal Government in the interest of employment; and to secure efficient executive management under the direction and supervision of the permanent executive agencies already established by act of Congress.

Mr. OVERTON. Mr. President, the senior Senator from Kentucky [Mr. BARKLEY] has requested that the first committee amendment be passed over temporarily, and that course will be satisfactory.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be passed over temporarily. The next amendment reported by the Committee on Commerce will be stated.

The next amendment was, on page 2, line 6, before the word "That", to insert "Sec. 2."

The amendment was agreed to.

The next amendment was, on page 2, line 20, to change the section number from 2 to 3.

The amendment was agreed to.

The next amendment was, on page 3, line 10, to change the section number from 3 to 4; in line 12, after the word "operate", to insert "public"; in line 16, after the word "lands", to strike out "structures" and insert "including structure"; in the same line, after the word "facilities", to insert "thereon"; and in line 18, after the word "provided" to strike out:

That licenses to Federal, State, or local governmental agencies for the use of areas suitable for public park and recreational purposes may be granted without monetary consideration when the Secretary of War determines such action to be in the public interest.

And insert:

That preference shall be given to Federal, State, or local governmental agencies, and licenses may be granted without monetary consideration, to such agencies for the use of areas suitable for public park and recreational purposes, when the Secretary of War determines such action to be in the public interest. The water areas of all such reservoirs shall be open to public use generally without charge for boating, swimming, bathing, fishing, and other recreational purposes, and ready access to and exit from such water areas along the shores of such reservoirs shall be maintained for general public use,

when such use is determined by the Secretary of War not to be contrary to the public interest, all under such rules and regulations as the Secretary of War may deem necessary.

The amendment was agreed to.

The next amendment was, on page 4, after line 13, to insert:

SEC. 5. Electric power and energy generated at reservoir projects under the control of the War Department and in the opinion of the Secretary of War not required in the operation of such projects shall be delivered to the Secretary of the Interior, who shall transmit and dispose of such power and energy in such manner as to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles, the rate schedules to become effective upon confirmation and approval by the Federal Power Commission. Preference in the sale of such power and energy shall be given to public bodies and cooperatives. The Secretary of the Interior is authorized to construct and acquire only such transmission lines and related facilities as may be necessary in order to make the power and energy generated at said projects available in wholesale quantities for sale on fair and reasonable terms and conditions to facilities owned by the Federal Government, public bodies, cooperatives, and privately owned companies.

Mr. OVERTON. Mr. President, in connection with the amendment just stated the Commerce Committee yesterday authorized the chairman of the committee, the Senator from North Carolina [Mr. BAILEY], to offer an amendment, which, as I understand, would be a substitute for the committee amendment. I do not see the Senator from North Carolina in the Chamber at the moment.

The ACTING PRESIDENT pro tempore. Section 5 will be passed over temporarily.

Mr. OVERTON. Very well.

The ACTING PRESIDENT pro tempore. The next committee amendment will be stated.

The next amendment was, on page 5, line 8, to change the section number from 4 to 6, and in line 13, after the name "War Department" to insert a colon and "Provided, That no sale of such water shall adversely affect then existing lawful uses of such water."

Mr. MILLIKIN. Mr. President, there will be some amendments offered to take the place of this section. I wonder if it would not be well to let the whole section go over temporarily.

Mr. OVERTON. Including the Senate committee amendment?

Mr. MILLIKIN. Yes.

Mr. OVERTON. I may say that all we are now doing is to pass on the Senate committee amendments. Is there any objection to the Senate committee amendment? Is the Senator later going to move to strike out this section?

Mr. MILLIKIN. It will later be moved to strike out the whole section. I suggest that it be passed over for the time being.

Mr. OVERTON. Very well. There is no objection to passing over section 6 temporarily.

Mr. WHITE. Mr. President, I take it this provision is something new in our legislation. I may be greatly in error, but I have not known of any previous

legislation which authorized the Secretary of War or anyone else to sell stored waters. Am I correct that this is something new in our legislation, or is there a precedent for it?

Mr. OVERTON. The Secretary of War does not engage in the business of selling stored water.

Mr. WHITE. It is provided in the bill that he is authorized to sell surplus water that may be available in any reservoir.

Mr. OVERTON. I beg pardon. I see that amendment. What I was going to say is that all surplus waters stored in reservoirs are turned over to the Department of the Interior for distribution for irrigation purposes. It so happens that in connection with the sale for domestic and industrial uses of surplus water available in any reservoir under the control of the War Department, the committee has recommended an amendment which protects the existing lawful uses of the water. For instance, when a dam is constructed and water is impounded in it and there is nearby a lawful user of that water, we do not want to deprive him of his rights. Therefore, he is permitted to take water from the dam, but, of course, he does it under the direction of the Secretary of War.

Mr. WHITE. Under this provision as it now stands in the bill, I take it that the Secretary of War may first determine whether there is surplus water, what the amount of the surplus water may be, and then he is authorized to sell all he determines to be surplus. Am I correct about that?

Mr. OVERTON. That is substantially correct.

Mr. MILLIKIN. Mr. President, I should like to say to the distinguished senior Senator from Maine that there will be an amendment proposed which will take away the power to sell water but leave the power to contract water. It is the contention of the western Senators that the Secretary of War has no power to sell water, because he does not own the water.

Mr. WHITE. That was the impression that occurred to me. I did not see, unless the Secretary of War has title to the surplus water, how he was going to have authority to sell and to pass title to someone else or the use of it to someone else.

Mr. OVERTON. The difference between the Senator from Colorado and the committee is a mere technical difference of words. The Senator from Colorado and those agreeing with him prefer using the word "contract" to the word "sale"—contract for the water, instead of sell the water. There will be no objection to that.

Mr. WHITE. That is a distinction without a difference, is it not?

Mr. OVERTON. I think so. However, the whole section 6 has been passed over temporarily and that amendment with it, at the request of the Senator from Colorado.

Mr. BAILEY. Mr. President, I had stepped out of the Senate Chamber for a moment, and did not know that this matter was coming up.

Mr. OVERTON. Section 5 was passed over temporarily until the Senator could



come into the Chamber. I ask consent that the Senate return to the power amendment, which is section 5, which was passed over temporarily because of the absence of the Senator from North Carolina.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will return to the consideration of section 5, and the amendment will be again stated.

The LEGISLATIVE CLERK. On page 4, after line 13, it is proposed to insert the following:

SEC. 5. Electric power and energy generated at reservoir projects under the control of the War Department and in the opinion of the Secretary of War not required in the operation of such projects shall be delivered to the Secretary of the Interior, who shall transmit and dispose of such power and energy in such manner as to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles, the rate schedules to become effective upon confirmation and approval by the Federal Power Commission. Preference in the sale of such power and energy shall be given to public bodies and cooperatives. The Secretary of the Interior is authorized to construct and acquire only such transmission lines and related facilities as may be necessary in order to make the power and energy generated at said projects available in wholesale quantities for sale on fair and reasonable terms and conditions to facilities owned by the Federal Government, public bodies, cooperatives, and privately owned companies.

Mr. BAILEY. Mr. President, I sent forward in the morning hour an amendment to this section and I intended to have it printed for the information of Senators, but, if the Senate is ready to go ahead with it, I am, and I will ask that the proposed amendment be read at the desk.

Mr. OVERTON. I presume if it proves to be controversial we can pass it over for the time being.

The ACTING PRESIDENT pro tempore. The amendment offered by the Senator from North Carolina to the committee amendment will be read for the information of the Senate.

The LEGISLATIVE CLERK. On page 4, in section 5, it is proposed to strike out all after the word "cooperatives" in line 25, and to insert in lieu thereof the following:

The sale of such electric power as may be generated at reservoir projects shall be made at the point of production, without special privilege or discrimination, so as to provide for the complete coordination of such power and energy with other power developments, both private and public, in the area contiguous with such projects. It shall be stipulated in connection with any sale that any and all savings realized by the purchasers shall be passed on under Federal regulation where no State regulation exists, to the consuming public: *Provided*, That unless 90 percent of the firm power produced at such projects shall be demanded or purchased within 3 years after completion of construction of such projects, the Secretary of the Interior is authorized to construct transmission lines for the purpose of selling such power at wholesale.

Mr. BAILEY. Mr. President, this amendment has the status of a committee amendment. It was submitted to the Commerce Committee yesterday morning. It was there thoroughly discussed

and altered and the committee voted 9 or 10 to 3 to strike out the amendment as printed in the bill now before the Senate and to insert the amendment I have proposed in lieu thereof.

The ACTING PRESIDENT pro tempore. The committee has a right to modify its amendment.

Mr. BAILEY. So I take it, it would be in order for the amendment to be considered now as a committee amendment, if Senators are sufficiently informed about it.

The ACTING PRESIDENT pro tempore. The question will be on the committee amendment as modified.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BAILEY. I think the Senator from Louisiana has the floor.

Mr. OVERTON. I am glad to yield.

Mr. AIKEN. I do not think such a far-reaching amendment as that should be considered without the Members of the Senate having a chance to read it. The amendment deals with the entire power policy of the United States. Although it is worded well and sounds good the effect of it would be to turn over the public power of the United States, all power generated at public dams, to private utility companies, and if they did not want it at the end of 3 years, then the proper authority would have a chance to sell it to the public; but if they wanted it they would get it. I cannot imagine the Senate acting on such an amendment as that without having a chance to read it and study it and let the people of the country know what is going on.

Mr. BAILEY. Let me say to the distinguished Senator from Vermont that I have no intention of perpetrating a crime in the Senate, and I hope I will not be considered as capable of perpetrating a very serious crime anywhere else. Amongst other things, I do not intend, as long as I live, to perpetrate the crime of reflecting on my fellow Senators in a debate.

I said that if the Senate was ready to proceed, I was ready, but if the Senate desires to have the amendment printed and placed on the desks of Senators, that is entirely agreeable to me. I wish to say, however, that I could not agree to the statement which the Senator from Vermont has made, which is about as just with respect to the amendment itself as it was with respect to those of us who are now accused of being about to perpetrate a crime in the Senate.

Mr. AIKEN. I grant the entire sincerity of the Senator from North Carolina in his viewpoint on some of these matters, which happens to differ from mine, but I do think Senators should have time to read the amendment and study it, and I am sure the Senator from North Carolina agrees with me in that.

Furthermore, it appears that if the amendment should be agreed to, it would have an effect on practically all the amendments, as well as all the projects, or most of the projects, authorized by the bill, and it seems to me that this should be one of the earliest matters in the bill to be disposed of, if not the earliest, because it might, and probably would, influence the votes of Senators

on the other projects authorized by the bill.

Mr. BAILEY. I agree with the suggestion made that the matter go over until tomorrow, or, if the bill should stay here longer, it might go over for a longer period, but I would much rather dispose of it tomorrow, because I am really under some obligations to return to the aviation conference in Chicago, and I should like to get away. I shall consent that the matter be deferred until tomorrow, if the Senate is to be in session tomorrow. Meantime, I do not wish my amendment to be prejudiced by remarks from any quarter. It is an effort, a sincere effort, to state a proper live-and-let-live power policy, in view of the creation of enormous power by the bill. That is all the amendment is. But I shall defer any discussion until the amendment comes up in regular order, and I take it no one is seriously prejudiced in his mind by what has been said here. I think men do sometimes commit crimes with the utmost sincerity.

Mr. AIKEN. I might say it would be a crime on the part of the Senate, not necessarily on the part of the Senator from North Carolina, to consider the amendment without opportunity for study on the part of Senators.

Mr. BAILEY. I think the assassination of Caesar was sometimes charged to the entire Senate of Rome, but that did not affect the assassination at all, and it did not help the Senate. I do not think the Senate of the United States is remotely contemplating committing a crime now or hereafter, even in the name of liberty.

I merely send the amendment forward, and will let it go over until tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, the modified amendment of the committee will be printed for the information of Senators, and will lie on the table, and the pending amendment will go over.

Mr. OVERTON. Mr. President, I suggest that this is simply a modification of the committee amendment, and that the entire amendment, beginning with the words "Sec. 5", be printed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOWNEY. Mr. President, will the Senator from Louisiana yield to me for a question?

Mr. OVERTON. I yield.

Mr. DOWNEY. While this amendment is before the Senate, let me inquire whether its effect would be only on construction by Army engineers, and would not be upon construction by the Reclamation Bureau.

Mr. OVERTON. That is correct. It says "Electric power and energy generated at reservoir projects under the control of the War Department."

Mr. BURTON. Mr. President, will the Senator from Louisiana yield to me?

Mr. OVERTON. I yield.

Mr. BURTON. A moment ago the Senate approved the committee amendment to section 4, with which I concur, but I wish to ask the chairman of the subcommittee a question or two in order to help clarify the situation, in the interest of some who are much interested in the use

of the War Department reservoirs for recreational purposes.

As I understand the effect of the amendment, it provides that the water areas of the War Department reservoirs shall be available to the public without charge. That would mean the use of the water and the use of access to the water, and that would be without charge. Is not that correct?

Mr. OVERTON. That is correct, for certain recreational purposes.

Mr. BURTON. But the activities on that water would still be subject to the fishing licenses and motorboat licenses of the areas concerned?

Mr. OVERTON. That is my understanding.

Mr. BURTON. And the surrounding park grounds or picnic facilities would not be covered so that they would have to be made available without charge, especially where it might be necessary to have some maintenance charges in order adequately to take care of those areas.

Mr. OVERTON. That is correct. All that is desired is that there may be access for recreational purposes by the public.

Mr. BURTON. The water may be used without charge for boating, bathing, swimming, fishing, and other recreational purposes, together with ready access to and exit from such water areas?

Mr. OVERTON. That is correct.

Mr. BURTON. And this is all limited to reservoirs under the jurisdiction of the War Department?

Mr. OVERTON. That is correct.

Mr. MILLIKIN. Mr. President, will the Senator from Louisiana yield?

Mr. OVERTON. I yield.

Mr. MILLIKIN. Will the Senator tell us what happened to the committee amendment on page 1?

Mr. OVERTON. That was passed over temporarily.

The ACTING PRESIDENT pro tempore. The clerk will state the next amendment of the committee.

The next amendment was, on page 5, line 17, to change the section number from 5 to 7; and in line 18, after the word "storage", to strike out "available" and insert "allocated."

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. Did the Senator from Colorado object to the proviso on lines 13 and 14, page 5?

Mr. MILLIKIN. It was understood that that would go over.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be passed over, and the clerk will state the next amendment of the committee.

The next amendment was, on page 5, in line 22, after the word "regulations", to insert a colon and the following proviso: "Provided, That this section shall not apply to the Tennessee Valley Authority except in case of danger from floods."

Mr. HILL. Mr. President, I have a copy of a letter under date of August 15, addressed to the distinguished Senator from Louisiana, signed by the chairman of the Tennessee Valley Authority, in which he suggests language in lieu of the

amendment proposed, the language suggested by the chairman of the Tennessee Valley Authority being language agreed on between the Tennessee Valley Authority and the Army engineers and the War Department. I do not think the language suggested by the engineers and the Tennessee Valley Authority changes the intent or the purpose at all of the amendment reported by the committee, except that I think it makes it clearer and more specific, and is really better language. I hope the Senator has no objection to the language agreed on by the engineers and the Tennessee Valley Authority.

Mr. OVERTON. I have no objection. I think the meaning of both is the same.

Mr. HILL. The meaning is the same. Then, as a substitute for the committee amendment, I offer the following: "Provided, That this section shall not apply to the Tennessee Valley Authority, except that in case of danger from floods on the lower Ohio and Mississippi Rivers the Tennessee Valley Authority is directed to regulate the release of water to the Tennessee River into the Ohio River in accordance with such instructions as may be issued by the War Department."

The ACTING PRESIDENT pro tempore. The clerk will state the amendment.

The LEGISLATIVE CLERK. In lieu of the committee amendment on page 5, line 22, it is proposed to insert the following: "Provided, That this section shall not apply to the Tennessee Valley Authority except that in case of danger from floods on the lower Ohio and Mississippi Rivers the Tennessee Valley Authority is directed to regulate the release of water to the Tennessee River into the Ohio River in accordance with such instructions as may be issued by the War Department."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Alabama in the nature of a substitute for the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will state the next amendment of the committee.

The LEGISLATIVE CLERK. On page 5, after line 24, it is proposed to strike out:

Sec. 6. Hereafter, whenever in the opinion of the Secretary of War and the Chief of Engineers any dam and reservoir project operated under the direction of the Secretary of War can be consistently used for reclamation of arid lands, it shall be the duty of the Secretary of the Interior to prescribe regulations under existing reclamation law for the use of the storage available for such purpose, and the operation of any such project shall be in accordance with such regulations. Such rates, as the Secretary of the Interior may deem reasonable, shall be charged for the use of said storage; the moneys received to be deposited into the Treasury to the credit of miscellaneous receipts;

And to insert:

Sec. 8. Hereafter, whenever the Secretary of War determines, upon recommendation by the Secretary of the Interior that any dam and reservoir project operated under

the direction of the Secretary of War may be utilized for irrigation purposes, the Secretary of the Interior is authorized to construct, operate, and maintain, under the provisions of the Federal reclamation laws (act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto), such additional works in connection therewith as he may deem necessary for irrigation purposes. Such irrigation works may be undertaken only after a report and findings thereon have been made by the Secretary of the Interior as provided in said Federal reclamation laws and after subsequent specific authorization of the Congress by an authorization act; and within the limits of the water users' repayment ability such report may be predicated on the allocation to irrigation of an appropriate portion of the cost of structures and facilities used for irrigation and other purposes. Dams and reservoirs operated under the direction of the Secretary of War may be utilized hereafter for irrigation purposes only in conformity with the provisions of this section, but the foregoing requirement shall not prejudice lawful uses now existing.

Mr. MILLIKIN. Mr. President, that is a controversial section, and I suggest that it go over.

Mr. OVERTON. I did not know it was controversial.

Mr. MILLIKIN. We have proposed a section 8 which is different from the section 8 now appearing in the bill.

Mr. OVERTON. Then, I ask that the amendment be passed over temporarily.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be passed over.

The next committee amendment will be stated.

The next amendment was, on page 8, after line 12, to insert:

#### LAKE CHAMPLAIN BASIN

Modifications of the existing Waterbury, Winooski River Basin, Vt., are hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 629, Seventy-eighth Congress, second session, at an estimated cost of \$2,120,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 19, to insert:

#### BLACKSTONE RIVER BASIN

The project for the West Hill Reservoir on the West River, Mass., for flood control and other purposes in the Blackstone River Basin is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 624, Seventy-eighth Congress, second session, at an estimated cost of \$1,070,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 2, to insert:

The project on Blackstone River for local flood protection at Worcester, Mass., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 624, Seventy-eighth Congress, second session, at an estimated cost of \$2,232,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 8, to insert:

The project on Blackstone River for local flood protection at Woonsocket, R. I., is hereby authorized substantially in accordance with the recommendations of the Chief



of Engineers in House Document No. 624, Seventy-eighth Congress, second session, at an estimated cost of \$803,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 14, to insert:

The project on Seekonk River for local flood protection at Pawtucket, R. I., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 624, Seventy-eighth Congress, second session, at an estimated cost of \$82,000.

The amendment was agreed to.

Mr. AUSTIN. Mr. President, at the appropriate time I intend to offer, on page 9, following line 21, "Connecticut River Basin", an amendment which would read:

Section 3 of the act approved August 18, 1941 (55 Stat. 638), paragraph entitled "Connecticut River Basin," is amended by striking out the words "with such further modifications as may be found justifiable in the discretion of the Secretary of War and the Chief of Engineers."

The ACTING PRESIDENT pro tempore. That amendment will be taken up when the consideration of individual amendments is reached, as the Chair understands.

Mr. AUSTIN. I thank the Chair. I should like to have notice taken of the fact that I offer the amendment and ask that it be printed.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be printed and will lie on the table.

Mr. OVERTON. Mr. President, if I may ask a question of the Senator from Vermont, Is the effect of his amendment to abrogate the authorization affecting the Connecticut River Basin or would the authorization remain with authority for such modifications in the future as may be proposed?

Mr. AUSTIN. The amendment would abrogate simply a special part of the authorization made in 1941 which is rather novel. I believe that there is no other similar authorization in any bill which has ever been passed by Congress. It is a sort of sleeper, a thing which escaped our notice heretofore. Under the provision it is clearly possible that tomorrow, after Congress shall have enacted a bill, it would be entirely in the discretion of the Secretary of War and the Chief of Engineers to undo what Congress has agreed to as a policy. This authorization is exceedingly sweeping, as I interpret it, and as people in the neighborhood of the West River Valley interpret it. The Army engineers, under the Secretary of War, could go down the river and flood Brattleboro, because that would be such a further modification of the plan as is specified in the bill referred to. This is only a part of the issue with which the distinguished Senator from Louisiana is familiar.

Mr. OVERTON. Then the amendment refers only to the modification authority at present vested in the Chief of Engineers?

Mr. AUSTIN. Yes; it relates to a past authority, and I suspect that the distinguished Senator from Wyoming [Mr. O'MAHONEY] will have a more com-

prehensive amendment to offer which will reach back to the Connecticut River Basin. So I hope the distinguished Senator from Louisiana will allow this subject of the Connecticut River Basin to be passed over for the present time.

Mr. OVERTON. I shall be very happy to let it be passed over. I was hopeful, however, that the Connecticut River Basin project could be taken up by itself, and not be related in any way to the Missouri River Basin because it does not bear any relation geographically to it, and I would be very happy to consider it by itself as a separate amendment. However, of course, that is entirely within the discretion of the Senate and the Senator from Vermont.

Mr. MALONEY. Mr. President, will the Senator yield to me?

Mr. AUSTIN. Yes; I yield.

Mr. MALONEY. I thank the Senator. I should like to know if the language which he proposes on page 9 would strike out the present language beginning on line 21 "Connecticut River Basin"?

Mr. AUSTIN. No; it would follow those three words "Connecticut River Basin," and it would constitute the first paragraph under that heading.

Mr. MALONEY. Would it have any bearing upon the language now in the bill?

Mr. AUSTIN. Yes.

Mr. MALONEY. Will the Senator tell me what bearing it would have?

Mr. AUSTIN. Yes. Mr. President, the language now in the bill refers expressly to "the comprehensive plan approved in the act of June 28, 1938, as modified by the act approved August 18, 1941, for the Connecticut River Basin."

The language comprehends the authority which is expressed in the amendment which I offer. That is, besides expressly authorizing the appropriation of a sum of money for the construction of specific projects named in the plans there specified, there is this rider hitched on which is peculiar evidently to the Connecticut River Basin. Why it was put there I do not know. But it is extremely effective because it would enable the Secretary of War and the Chief of Engineers to do anything in the Connecticut River Basin if they in their discretion found it justifiable.

The first thing it seems to me for Congress to do is to take away from the Secretary of War and the Chief of Engineers that extraordinary dominion over the plan. All other plans must be submitted to us before an authorization is made. No authorization must be made until Congress approves the plan. But on the Connecticut River, with that sleeper in the bill, we can approve a plan one day, and the Secretary of War and the Chief of Engineers can alter it or amend it under this authority "with such further modifications as may be found justifiable in the discretion of the Secretary of War and the Chief of Engineers." I want that language stricken from the act.

Mr. MALONEY. I should like to ask the Senator a further question, if I may. Does he maintain that under the existing language in the law the Army engineers, if they so desired, could build a dam at Springfield, Mass.?

Mr. AUSTIN. Yes, of course. They could build one anywhere in the Connecticut River Basin. This was called to the attention of the public and to the Government back in June 1944. That was the first notice I had of this extraordinary element that was in the authorization of 1941, and this is the first opportunity we have had to attempt to delete it.

Mr. MALONEY. Is the Senator especially concerned, if I may ask him this question, with the dam on the West River which is already planned? Is that his particular concern now?

Mr. AUSTIN. Yes; we are especially concerned about that dam.

Mr. MALONEY. And would the language of the Senator's proposed amendment, if it were adopted, deny the Army engineers the right to proceed with those plans?

Mr. AUSTIN. No; it would not have that effect, except in this way, that we might today delete from the bill authority to build the Williamsville Dam on the West River, and tomorrow the Army engineers might go right to work on it and build it under a modification authorized by the act of 1941, which reads:

With such further modifications as may be found justifiable in the discretion of the Secretary of War and the Chief of Engineers.

Mr. MALONEY. And does the Senator insist that if we sometime later appropriated the \$30,000,000 which is authorized in the pending bill, the Army engineers could spend it in any way they desired on the Connecticut River?

Mr. AUSTIN. That is my interpretation of that sleeper clause. We have given them carte blanche on the Connecticut River Basin by that clause.

Mr. MALONEY. I thank the Senator.

Mr. LANGER. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. LANGER. It is true, is it not, that the engineers do not have to give notice to anybody?

Mr. AUSTIN. That is true, as the law stands.

Mr. LANGER. The Governor is not notified, and they simply go ahead and do the work.

Mr. AUSTIN. That is true. There are no hearings.

Mr. MALONEY. That is true with respect to any river and harbor project which the Congress authorizes.

Mr. AIKEN. Mr. President, I expect to join my colleague in the effort to strike out the dam at the Williamsville site. I also wish to say that I am opposed to the committee amendment on page 10, beginning in line 5, which reads as follows:

Provided further, That none of the dams herein authorized for the Connecticut River Basin shall be utilized for the generation of hydroelectric power.

In passing over the subject of the Connecticut River Basin, is the proposed amendment also passed over at this time?

Mr. OVERTON. That is correct. It includes everything under the Connecticut River Basin.

Mr. AIKEN. I thank the Senator.

The ACTING PRESIDENT pro tempore. Without objection, the section under the heading "Connecticut River Basin," including the committee amendment on page 10, line 5, will be passed over.

The Clerk will state the next committee amendment.

The next amendment was, on page 12, after line 2, to insert:

#### ROANOKE RIVER BASIN

The general plan for the comprehensive development of the Roanoke River Basin for flood control and other purposes recommended by the Chief of Engineers in House Document No. 650, Seventy-eighth Congress, second session, is approved and the construction of the Buggs Island Reservoir on the Roanoke River in Virginia and North Carolina, and the Philpott Reservoir on the Smith River in Virginia, are hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in that report at an estimated cost of \$36,140,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 13, to insert:

#### YADKIN-PEE DEE RIVER BASIN

The general plan for the comprehensive development of the Yadkin-Pee Dee River Basin for flood control and other purposes recommended by the Chief of Engineers in House Document No. 652, Seventy-eighth Congress, second session, is approved and the construction of the Wilkesboro Reservoir on the Yadkin-Pee Dee River in North Carolina is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in that report at an estimated cost of \$10,840,000.

Mr. OVERTON. Mr. President, the committee has modified its amendment in reference to the Yadkin-Pee Dee River Basin. The Senator from North Carolina [Mr. BAILEY] will present the modification.

Mr. BAILEY. Mr. President, the amendment which I offered, and which the committee unanimously approved, reads as follows:

On page 12, after line 14, strike out lines 15 to 23, inclusive, under the title "Yadkin-Pee Dee River Basin" and insert in lieu thereof the following:

The general plan for the comprehensive development of the Yadkin-Pee Dee River Basin for flood control, and other purposes, recommended by the Chief of Engineers in House Document 652, Seventy-eighth Congress, second session, is hereby stricken from the bill and is referred to the Committee on Commerce to the end that hearings may be had from the people concerned and with instructions to report back to the Senate within 6 months.

It may seem a little odd that a Senator should ask to have stricken from the bill an item involving the approval of a \$10,000,000 project, and ultimately, I think, over \$100,000,000, but there is a good reason for it.

I am satisfied that we need flood control on the Yadkin River in the vicinity of Wilkes County. The engineers propose not only to build a dam there, but to build a long series of dams through the State, where absolutely no flood control is involved. That is the first objection.

The second objection is that the dam proposed at Wilkesboro would flood permanently more land, more homes, and

more territory than have even been flooded below the dam. That is a singular statement to make, but it is a true statement. The dam at North Wilkesboro would flood 13,000 acres of land, extending all the way through Wilkes County up to the foothills of the Blue Ridge at the place called Happy Valley, a place with which I am familiar.

We all know Mr. DOUGHTON. I believe he is now the dean of the House. He has been in the House for 36 years. The county of Caldwell, where the Happy Valley region lies, and where this land would be flooded, is in his county of Caldwell. A portion of it is in Wilkes County. Mr. DOUGHTON appeared before the committee yesterday and stated that in his long career in the House of Representatives he had never known the people of his section to be so stirred up, so indignant, and so fearful of the disaster of permanent flooding of their lands and the driving of the people from their homes and farms.

I can corroborate that statement. Ever since this item was placed in the bill—and I was not here when it was placed in the bill—I have received almost endless protests. To give an example, the bishop of the Episcopal Church for western North Carolina wrote me a letter in August, and stated that he thought that the Patterson School, which is a very fine school in Happy Valley, would be destroyed, and he begged me to take some steps which would prevent that disaster.

The Happy Valley and the Valley of the Yadkin above North Wilkesboro, and above the site of the proposed dam, have been occupied and cultivated by the people of that section ever since the days of the Revolution. It is not an abandoned wilderness. It is a valley of fine homesteads and farms, and abundant timber. The people living there do not understand why they should be flooded out forever, and they do not think that the offer of the compensation means anything. Neither do I. No one could pay me enough money to induce me to give up my home for the purpose of building a dam. I love my home and I am attached to it. Those people make their living on those farms. They have never known anything else.

I am in favor of a flood-control project in the neighborhood of North Wilkesboro. I believe that the floods of the Yadkin Valley should be ended. I just voted for a flood-control project on the Roanoke River. That is the section of the bill immediately preceding the one under discussion. But I am not in favor of erecting a power dam where no power is really needed, and where the price to be paid is not \$10,000,000, but the welfare and happiness of the population extending from Wilkesboro all the way to Happy Valley in Caldwell County. I am not in favor of that. I do not care who knows it. I will shout it from the house-tops in North Carolina, and my statement will be approved by the people of North Carolina. I am not in favor of destroying the homes of the people. I am thoroughly responsive to the petitions which have been filed with me. I am satisfied that the people of North Wilkesboro, who would profit to some ex-

tent by a dam, do not wish to destroy the homes of their fellow citizens all the way up the river to the foothills of the mountains.

I ask that this amendment be adopted in lieu of the language in the bill. If it is adopted, I shall request the engineers to prepare for me a survey with a view to arresting the floods in the Yadkin Valley, and at the same time with a view to preserving the homes of the people in that valley.

Mr. OVERTON. Mr. President, after the representations made by the senior Senator from North Carolina before the full committee in reference to the Yadkin-Pee Dee River Basin, I was in accord with the views expressed by him, as were all the other members of the committee. However, I wish to say that the Corps of Engineers is not at fault in making a report as to what power could be developed on the Yadkin and Pee Dee Rivers. The Corps of Engineers was acting under a direction from the Congress of the United States. The Congress of the United States provided in the resolution adopted on April 1, 1937, and in another one adopted on November 1, 1938, as follows—I will not read all of them:

That the Board of Engineers for Rivers and Harbors—

And so forth and so on—

is hereby requested to review the report on the Yadkin-Pee Dee River of North Carolina and South Carolina, published in House Document No. 68, Seventy-third Congress, first session, with a view to determining the advisability of modifying the existing projects for navigation on the Pee Dee River to provide for improved navigation to Cheraw, S. C., and for the development of hydroelectric power in that vicinity.

Then, in connection with the review of the reports on preliminary examination and survey for flood-control development and development of hydroelectric power on Rocky River—Love's Ford and Crump's Ford—N. C., and at Wilkesboro Dam, Yadkin River, N. C., we find that these reviews were authorized by section 7 of the Flood Control Act of June 22, 1936.

Therefore, the Corps of Engineers simply made a report, as directed by Congress. It contained these power projects as well as the flood-control and navigation projects.

I wish to make the further observation that I regret very much that the senior Senator from North Carolina was not present when the project came up for hearing before the subcommittee. Unfortunately, he was absent because he was not well at the time, and could not be present. But no objection was made by anyone. The testimony in respect to the project was without contradiction that it was feasible, from an engineering standpoint, and economically justified. With that testimony before it, the full committee authorized it. As soon as the senior Senator from North Carolina stated his objections to it, and inasmuch as the project is one wholly within his State, the committee had no objection whatsoever to the amendment he proposed. Therefore, I am perfectly willing



that the amendment as modified be adopted.

Mr. BURTON. Mr. President, as a minority member of the subcommittee, I wish to join in the same request. When the matter originally came up for consideration, we merely had before us a report of the engineers. No opposition was presented at the hearings by any Member of the Senate or by others, due particularly to the illness of the senior Senator from North Carolina. But on the further consideration by the full committee, both the senior Senator from North Carolina [Mr. BAILEY] and Representative DOUGHTON of North Carolina, from the district immediately involved, asked for the adoption of the amendment now proposed, which amounts to a withdrawal of the committee proposal and provision for a further survey in that area. The committee was unanimous in approving the adoption of the modified amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the modified amendment.

Mr. BAILEY. Mr. President, I wish to say that I am not in the slightest degree disposed to disagree with the Army engineers. I am not bringing accusations against anyone. I am merely pointing out what would be the consequences of construction of the dam.

So far as the matter of being heard is concerned, I believe I am perfectly safe in saying that the report of the engineers was not printed or available, and the people knew nothing about it. I know I am safe in saying that when the people found out what was to happen to their homes they were in utter consternation and dismay, and people from all locations and from every class appealed to me and to Mr. DOUGHTON in the same way.

So there is nothing for me to do except to endeavor to have another survey made. When we get one, I hope we shall have a dam which will prevent floods in the Yadkin Valley. If it is confined to that, the needs of the situation will be satisfied.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BAILEY. I yield.

Mr. AIKEN. Can the Senator tell us how many homes are involved in this project?

Mr. BAILEY. No; I am sorry that I cannot do so. I think perhaps Mr. DOUGHTON can. I do not think any census has been taken. The Happy Valley is at the end of the basin in which the water will be backed up. I am perfectly familiar with the Happy Valley. I have passed through it many times. Many other Members of Congress have done so; some other Senators may have passed through it. In the northwestern part of North Carolina is a summer resort known as Blowing Rock. It is a very popular summer resort. In reaching it one passes through the Happy Valley. Our commissioner of agriculture, the late Samuel Patterson, owned a large portion of the valley, and had a very fine home there. Everyone who goes there says, "This is the Happy Valley." It is a beautiful valley of fine land. Going downstream

from that point—I shall make an approximation, and I think I am safe in doing so—for 20 miles one finds cultivated land, farm homes, and, of course, woodland. We have woodland all over North Carolina. But I have no way of estimating the number of people who would be seriously affected. I am simply saying that I think about as many people will be found in the valley of the Yadkin River and in that section of North Carolina as will be found in any other section of the State. The valley is not a mountain ravine; it is not a desert section. I think the fact that the valley has been known for about 75 years as the Happy Valley is an indication of its character.

Mr. AIKEN. Is it the expectation of the Senator that a further investigation will result in a plan by which there will be developed appreciable protection from floods, but without great destruction?

Mr. BAILEY. Yes; that is the thought of the people there; namely, to have a dam, but not to back up the water into the Happy Valley. Of course, that is the question, and I am glad the Senator asked it.

Today in America we are not merely controlling floods. In many cases only a 50-foot or a 75-foot dam would be required for flood control. But a 150-foot dam is built for power. There is no right to do so. That is what is going on in America, and I think it has gone far enough. I think we should have more respect for the Constitution and should not spend our time damming our way around it.

But that is aside from the point here involved. All I wish to do is to protect the good people in that locality and then start afresh with a project for the construction of a dam which will prevent floods. When we obtain a measure providing for the construction of such a dam, I shall ask the Senate to vote for it, and probably I shall endeavor to have the measure brought up out of order.

The ACTING PRESIDENT pro tempore. The amendment as modified by the committee will be stated.

The CHIEF CLERK. On page 12, line 14, through line 23, it is proposed to strike out all the paragraph under the title "Yadkin-Peedee River Basin" and to insert in lieu thereof the following:

The general plan for the comprehensive development of the Yadkin-Peedee River Basin for flood control and other purposes recommended by the Chief of Engineers in House Document 652, Seventy-eighth Congress, second session, is hereby stricken from the bill and is referred to the Committee on Commerce to the end that hearings may be had from the people concerned and with instructions to report back to the Senate within 6 months.

The ACTING PRESIDENT pro tempore. Without objection, the modified amendment is agreed to.

The next amendment of the committee will be stated.

The next amendment was, on page 12, after line 23, to insert:

#### EDISTO RIVER BASIN

The project for local flood control on Edisto River, S. C., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Doc-

ument No. 182, Seventy-eighth Congress, second session, at an estimated cost of \$139,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 4, to insert:

#### SAVANNAH RIVER BASIN

The general plan for the comprehensive development of the Savannah River Basin for flood control and other purposes recommended by the Chief of Engineers in House Document No. 657, Seventy-eighth Congress, second session, is approved and the construction of the Clark Hill Reservoir on the Savannah River in South Carolina and Georgia, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in that report at an estimated cost of \$35,300,000.

The amendment was agreed to.

The next amendment was, under the heading "Red-Ouachita River Basin", on page 15, after line 7, to insert:

The project on Red River in the vicinity of Shreveport, La., for flood control and bank protection is hereby authorized, substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 627, Seventy-eighth Congress, second session, at an estimated cost of \$3,000,000, except that, in view of the large expenditure already made by local interests, they shall not be required to contribute to the construction cost.

The amendment was agreed to.

The next amendment was, on page 15, after line 15, to insert:

The project for the Blakely Mountain Dam on the Ouachita River, for flood control and other purposes in the Ouachita River Basin, Ark., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 647, Seventy-eighth Congress, second session, at an estimated cost of \$11,080,000.

The amendment was agreed to.

The next amendment was, under the heading "Upper Mississippi River Basin," on page 17, line 8, after the word "Basin", to insert a comma and "including the project for the Red Rock Dam on the Des Moines River for flood control and other purposes, substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 651, Seventy-eighth Congress, second session, at an estimated cost of \$15,000,000."

The amendment was agreed to.

The next amendment was, on page 17, after line 20, to insert:

The project on the Des Moines River for local flood protection at Des Moines, Iowa, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 651, Seventy-eighth Congress, second session, at an estimated cost of \$270,000.

The amendment was agreed to.

The next amendment was, on page 18, line 13, after the words "cost of", to strike out "\$418,000" and insert "\$300,000."

The amendment was agreed to.

The next amendment was, under the heading "Red River of the North Basin", on page 19, after line 7, to insert:

The project for the Bald Hill Reservoir on the Sheyenne River for flood control and other purposes in the Sheyenne River Basin, N. Dak., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document

No. 193, Seventy-eighth Congress, second session, at an estimated cost of \$810,000.

The amendment was agreed to.

The next amendment was on page 19, after line 14, to insert:

The projects for the construction of one reservoir on the Pembina River and one on the Tongue River for flood control and other purposes in the Pembina River Basin, N. Dak., are hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 565, Seventy-eighth Congress, second session, at an estimated cost of \$333,800.

The amendment was agreed to.

The next amendment was, on page 19, after line 21, to insert:

The project for the construction of a reservoir on the South Branch of Park River for flood control and other purposes in the Park River Basin, N. Dak., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document No. 191, Seventy-eighth Congress, second session, at an estimated cost of \$358,610.

The amendment was agreed to.

The next amendment was, under the subhead "Missouri River Basin," on page 21, after line 2, to insert:

In the interest of developing the natural resources of the Missouri River Basin there is hereby created a commission to be known as the Missouri River Commission, which shall be in the War Department and shall function in accordance with existing law under the direction of the Secretary of War and the supervision of the Chief of Engineers in planning, constructing, operating, and maintaining improvements for navigation and flood control in the Missouri River Basin. The Missouri River Commission shall consist of the same number of members with the same qualifications and methods of appointment, replacement, and removal as prescribed in the act approved June 28, 1879, for the Mississippi River Commission and the compensation for the members of the Missouri River Commission shall be the compensation presently provided for members of the Mississippi River Commission. The president of the Missouri River Commission shall have the same qualification and shall be designated in the manner prescribed by existing law for the president of the Mississippi River Commission and he shall have the same functions and perquisites including title, pay, allowances, and rank while actually serving as president of the Missouri River Commission as well as the same subsequent retirement privileges under the same conditions as prescribed by law for the president of the Mississippi River Commission.

Mr. MILLIKIN. Mr. President, I should like to invite the attention of the distinguished senior Senator from Louisiana to the fact that the amendment which has just been read has aroused considerable controversy, and I suggest that it be passed over.

The ACTING PRESIDENT pro tempore. Without objection the amendment will be passed over.

Mr. OVERTON. I assume that the amendment which the Senator from Colorado has in mind is the one with reference to the Missouri River Commission?

Mr. MILLIKIN. That is correct.

Mr. OVERTON. I have no objection to the amendment going over, Mr. President.

The ACTING PRESIDENT pro tempore. The amendment will be passed

over. The next amendment of the committee will be stated.

The next amendment was, on page 23, after line 21, to insert:

The plan of improvement for local flood protection on the Chariton River, Mo., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 628, Seventy-eighth Congress, second session, at an estimated cost of \$1,610,300.

The amendment was agreed to.

The next amendment was, under the subhead "Ohio River Basin," on page 25, after line 9, to insert:

The plan of improvement for flood control and other purposes in the Kentucky River Basin, substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 504, Seventy-eighth Congress, second session, at an estimated cost of \$23,822,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 14, to insert:

The local flood protection works at Middlesborough on Yellow Creek, Ky., substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 495, Seventy-eighth Congress, second session, at an estimated cost of \$205,200.

The amendment was agreed to.

The next amendment was, on page 25, after line 19, to insert:

The local flood-protection works on the Rough River and tributaries, Kentucky, substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 535, Seventy-eighth Congress, second session, at an estimated cost of \$360,000.

The amendment was agreed to.

The next amendment was, at the top of page 26, to insert:

The Turtle Creek Reservoir on Turtle Creek, Pa., substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 507, Seventy-eighth Congress, second session, at an estimated cost of \$2,613,000.

The amendment was agreed to.

The next amendment was, under the heading "Great Lakes Basin," on page 27, after line 21, to insert:

The project for the Mount Morris Reservoir on the Genesee River, N. Y., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 615, Seventy-eighth Congress, second session, at an estimated cost of \$5,360,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 23, to insert:

#### GREAT SALT BASIN

The project on the Sevier River for local flood protection at Redmond, Utah, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 614, Seventy-eighth Congress, second session, at an estimated cost of \$281,000.

The amendment was agreed to.

The next amendment was, on page 29, after line 4, to insert:

#### COLORADO RIVER BASIN

The project for the Alamo Reservoir on the Bill Williams River, Ariz., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers

in House Document No. 625, Seventy-eighth Congress, second session, at an estimated cost of \$3,202,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 17, to insert:

#### PAJARO RIVER BASIN

The plan of improvement for local flood protection on the Pajaro River and tributaries, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 505, Seventy-eighth Congress, second session, at an estimated cost of \$511,160.

The amendment was agreed to.

The next amendment was, under the heading "Sacramento-San Joaquin River Basin—Sacramento River," on page 31, after line 2, to strike out:

The projects for the control of floods and other purposes on the Sacramento River, Calif., adopted by the acts approved March 1, 1917, May 15, 1928, August 26, 1937, and August 18, 1941, are hereby modified substantially in accordance with the recommendation of the Board of Engineers for Rivers and Harbors dated February 7, 1944, with such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable, at an estimated cost of \$46,056,000; and in addition to.

And in lieu thereof to insert the following:

The projects for the control of floods and other purposes on the Sacramento River, Calif., adopted by the acts approved March 1, 1917, May 15, 1928, August 26, 1937, and August 18, 1941, are hereby modified substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 649, Seventy-eighth Congress, second session, at an estimated cost of \$50,100,000; and in addition to.

The amendment was agreed to.

The next amendment was, on page 32, after line 4, to insert:

The project for the Folsom Reservoir on the American River, Calif., is hereby authorized substantially in accordance with the plans contained in House Document No. 649, Seventy-eighth Congress, second session, with such modifications thereof as in the discretion of the Secretary of War and the Chief of Engineers may be advisable, at an estimated cost of \$18,474,000.

The amendment was agreed to.

The next amendment was, under the heading "San Joaquin River," on page 34, after line 8, to insert:

The plan of improvement for flood control and other purposes on the Calaveras River and Littlejohn Creek and tributaries, California, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 545, Seventy-eighth Congress, second session, at an estimated cost of \$3,863,200.

The amendment was agreed to.

The next amendment was, on page 34, after line 14, to insert:

#### NAPA RIVER BASIN

The project for the Conn Creek Reservoir on Conn Creek for flood control and other purposes in the Napa River Basin, Calif., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 626, Seventy-eighth Congress, second session, at an estimated cost of \$460,000.

The amendment was agreed to.



The next amendment was, on page 36, after line 15, to insert:

**CHEHALIS RIVER BASIN**

The project on Chehalis River for local flood protection at Hoquiam, Aberdeen, and Cosmopolis, Wash., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 494, Seventy-eighth Congress, second session, at an estimated cost of \$669,000.

The amendment was agreed to.

The next amendment was, on page 36, after line 22, to insert:

**TERRITORY OF HAWAII**

The project on the Hanapepe River for local flood protection at Hanapepe, Island of Kauai, Territory of Hawaii, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in the report submitted to Congress by the Secretary of War on March 15, 1944, at an estimated cost of \$73,000.

The amendment was agreed to.

The next amendment was, on page 37, line 5, to change the section number from 8 to 10.

The amendment was agreed to.

The next amendment was, on page 38, after line 3, to insert:

Pasquotank River, North Carolina.

The amendment was agreed to.

The next amendment was, on page 38, line 9, after the word "Counties" to strike out "Florida," and insert "Florida."

The amendment was agreed to.

The next amendment was, on page 38, after line 11, to insert:

For flood control, rice irrigation, navigation, pollution, salt-water intrusion, and drainage on all streams and bayous in southwest Louisiana, west of the West Atchafalaya Basin protection levee, and south of the latitude of Boyce; on all streams and bayous in Louisiana lying between the East Atchafalaya Basin protection levee and the Mississippi River; and on Amite River and tributaries, Louisiana.

The amendment was agreed to.

The next amendment was, on page 39, after line 13, to insert:

Arkansas River above Pine Bluff, Ark., with special reference to control of caving banks in the vicinity of Hensley Bar and the McFadden Place, in Jefferson County, Ark.

The amendment was agreed to.

The next amendment was, on page 39, after line 24, to insert:

Corte Madera Creek, Marin County, Calif.

The amendment was agreed to.

The next amendment was, on page 40, after line 2, to insert:

Elkhorn River and its tributaries, Nebraska.

The amendment was agreed to.

The next amendment was, on page 40, line 4, to change the section number from 9 to 11, and in the same line, after the word "of", to strike out "\$810,000,000" and insert "\$959,465,000."

The amendment was agreed to.

The next amendment was, on page 40, line 17, to change the section number from 10 to 12, and on page 41, line 11, after the word "requirements", to insert a colon and the following additional proviso: "Provided further, That nothing in this section shall be construed as approving or authorizing the acquisi-

tion of any land by the Federal Government."

The amendment was agreed to.

The next amendment was, on page 41, after line 20, to insert:

**SANTA YNEZ RIVER WATERSHED**

The program on the Santa Ynez River watershed is hereby approved substantially in accordance with the recommendation of the Acting Secretary of Agriculture in House Document No. 518, Seventy-eighth Congress, first session, at an estimated cost to the United States of \$418,000.

The amendment was agreed to.

The next amendment was, under the heading "Trinity River Basin (Tex.)," on page 42, line 8, after the word "of", to strike out "\$32,000,000" and insert "\$27,348,000."

The amendment was agreed to.

The next amendment was, under the heading "Little Tallahatchie River Watershed," on page 42, line 16, after the word "of", to strike out "\$4,221,000" and insert "\$2,171,000."

The amendment was agreed to.

The next amendment was, on page 42, after line 16, to insert:

**YAZOO RIVER WATERSHED**

The program on the Yazoo River watershed is hereby approved substantially in accordance with the recommendation of the Acting Secretary of Agriculture in House Document No. 564, Seventy-eighth Congress, second session, at an estimated cost to the United States of \$12,500,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 17, to insert:

**BUFFALO CREEK WATERSHED (NEW YORK)  
BUFFALO, CAYUGA, AND CAZENOVIA CREEKS**

The program on the watershed of Buffalo Creek and its tributaries, Cayuga, and Cazenovia Creeks, is hereby approved substantially in accordance with the recommendation of the Acting Secretary of Agriculture in House Document No. 574, Seventy-eighth Congress, second session, at an estimated cost to the United States of \$739,000.

The amendment was agreed to.

The next amendment was, under the subhead "Washita River Watershed," on page 44, line 17, after the word "of", to strike out "\$11,243,000" and insert "\$7,007,000."

The next amendment was, on page 44, line 19, to change the section number from 11 to 13, and on page 45, line 4, after the word "section", to strike out "10" and insert "12."

The amendment was agreed to.

The next amendment was, on page 45, line 8, to change the section number from 12 to 14.

The amendment was agreed to.

The next amendment was, on page 45, after line 23, to insert:

Sec. 15. (a) The Chief of Engineers of the United States Army is authorized and directed to make examinations of any privately owned or operated dam constructed across navigable waters of the United States, or across tributaries thereof.

(b) Whenever it shall appear, after reasonable notice and opportunity for hearing to the person or corporation owning or controlling any such dam, that such dam is being operated or maintained in such a manner as to jeopardize the safety of persons or property either above or below such dam, the Chief of Engineers shall enter orders

requiring such changes in the operation or maintenance of such dam as he deems appropriate and necessary, and prescribing a reasonable time within which such changes shall be made. If, at the end of such reasonable time, the changes in operation or maintenance ordered by the Chief of Engineers have not been made, the Chief of Engineers shall notify the United States district attorney for the district in which such dam or any part thereof is situated, who shall forthwith cause criminal proceedings to be instituted against the person, or corporation, owning or controlling such dam.

(c) Any person or corporation willfully failing or refusing to comply with an order of the Chief of Engineers issued pursuant to this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding \$5,000. Every month during which such willful failure or refusal continues shall be deemed to be a separate offense and shall subject such person or corporation to the penalties herein prescribed.

Mr. MILLIKIN. Mr. President, I suggest to the Senator from Louisiana that this is a very highly controversial amendment.

Mr. OVERTON. Mr. President, we have the evening before us, and I shall be glad later to return and take up some of the controversial items without wasting the afternoon. We can pass over this amendment temporarily.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be passed over.

That completes the committee amendments with the exception of those passed over. The bill is before the Senate and open to further amendment.

Mr. OVERTON. Mr. President, I send to the desk an amendment and ask that it be read.

The ACTING PRESIDENT pro tempore. The amendment will be read.

The CHIEF CLERK. On page 14, after line 5, it is proposed to insert the following:

Paragraph (d) of the lower Mississippi River item in section 3 of the Flood Control Act of August 18, 1941, is amended to read as follows:

"The Chief of Engineers, with the approval of the Secretary of War, shall reimburse local authorities for actual expenditures found by the Chief of Engineers to reflect the actual cash value, regardless of State or local assessment valuations, for providing, at the request of the United States, lands, rights-of-way, and flowage easements required for the set-backs of main-line Mississippi River levees: *Provided*, That such lands, rights-of-way, and flowage easements may be provided by local authorities in accordance with local legal procedure or custom: *Provided further*, That this paragraph shall apply to all such lands, rights-of-way, and flowage easements that have been required by the United States for such set-back levees since August 18, 1941, regardless of any reimbursement that may have been agreed upon or made since August 18, 1941."

Mr. OVERTON. Mr. President, I should like to make an explanation of the amendment. I offer the amendment not as a committee amendment, but in my own behalf. I should have been very glad to submit it to the committee but it did not come to my attention until during the recess. The committee has been so occupied with other matters that I did not have opportunity to present it.

I think the amendment is a simple one. Section 3 of paragraph (d) of the act of August 18, 1941, reads as follows:

The Chief of Engineers, with the approval of the Secretary of War, shall reimburse local authorities for actual expenditures found by the Chief of Engineers to be reasonable, for providing at the request of the United States, in accordance with the local legal procedure or custom, rights-of-way and flowage easements required for the future set-backs of main-line Mississippi River levees.

Pursuant to such provision, where a set-back levee was constructed on any part of the Mississippi River, except in Louisiana, the Secretary of War reimbursed the local authorities for expenditures found by the Chief of Engineers to be reasonable. In other words, the United States Government paid for such flowage easements the actual cash value, which would be the reasonable value. As a matter of fact, that is what the Chief of Engineers determined, namely, the actual cash value. That was done in Mississippi, Arkansas, and other States. But the Constitution of Louisiana provides that the State of Louisiana itself, in acquiring easements for levee rights-of-way, may not pay more than the assessed value of the property. The assessed value is usually far below the actual value.

Because the provision of the act of 1941 requires that when the rights-of-way have been acquired the acquisition shall be made in accordance with the local legal procedure or custom, the legislative branch of the engineering department has construed the language to mean that Louisiana may not pay more than the assessed value. The legislative branch of the engineering department has construed that to mean that Louisiana cannot be paid more than the assessed value for the land.

I think that interpretation is wholly wrong. I know something about the history of it. We had a similar act back, as I recall, in 1934, in reference to certain tributaries of the Mississippi River, and at that time General Markham, who was Chief of Army Engineers, did not want the rights-of-way to be abstracted and title passed on by the attorneys for the Federal Government. He said it took too long; that sometimes they were delayed for years before they could go ahead with the construction they had in mind; but he said, "You have in Louisiana a right of appropriation; a levee board can adopt a resolution appropriating any land needed for easement purposes for the construction of levees, and such appropriation vests title in the levee board regardless of who the owner may be." So I wish it stated in the bill that the lands and the easements are to be acquired in accordance with the legal local procedure or custom, so that we can take advantage of the appropriation provision of the Louisiana law. That is the real meaning of the expression "in accordance with the local legal customs and procedure." The legislative department of the engineers said that means that we cannot pay a bit more than the assessed value because under the Louisiana law the State cannot pay more than the assessed value. They have acquired some rights-of-way since then and have

refused to reimburse the levee board more than the assessed value. I want to place Louisiana on a parity with Mississippi, Arkansas, Missouri, and other States up and down the line, where these rights-of-way are acquired, so that the owners can be paid the actual cash value deemed by the Secretary of War to be reasonable. With that explanation I submit the amendment.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The question is on the adoption of the amendment offered by the Senator from Louisiana [Mr. OVERTON].

The amendment was agreed to.

Mr. REVERCOMB. Mr. President, I offer an amendment which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 26, it is proposed to strike out lines 11 to 15 inclusive, as follows:

The Rowlesburg Reservoir on the Cheat River, substantially in accordance with the recommendations of the Chief of Engineers in the report submitted to Congress by the Secretary of War on November 26, 1942, at an estimated cost of \$29,230,000; and.

Mr. REVERCOMB. Mr. President, as will be noted, this amendment deals with what is known as the Rowlesburg reservoir on the Cheat River. I am submitting the amendment because I do not believe that this project at the great expense involved, is justified. It calls for an expenditure of \$29,230,000. I think, perhaps, that the item should not be contained in this bill. This project would flood and cover thousands of acres of land with water and create a vast lake where land now exists.

Even with that result I would be less insistent in urging my views on this part of the bill if the project was in fact a flood-control project. But it is more than that, it goes further, under the guise of flood control it creates a power dam, with the result that many workers who earn their living in the production of coal—a principal means of livelihood in my State—would be probably thrown out of work. This provision of the bill is not good for my State or the population. I move the adoption of the amendment.

Mr. OVERTON. Mr. President, I have taken this position in reference to the projects contained in the bill, that where a project relates exclusively to one State and does not affect any other State and the Senators from that State desire that the project be not authorized, I am perfectly willing, if it is a committee amendment, to ask that the Senate reject the committee amendment. In this case this is a provision contained in the bill as passed by the House. I will raise no objection whatsoever to the amendment of the Senator from West Virginia, and we can take the amendment to conference and there thrash the matter out.

Mr. REVERCOMB. I thank the Senator from Louisiana.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from West Virginia is agreed to.

Mr. TAFT. Mr. President, I offer an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 38, after line 10, it is proposed to insert the following:

Clear Fork of the Mohican River, in Richland County, Ohio.

Mr. OVERTON. Mr. President, there will be no objection at all to that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. DOWNEY. I offer an amendment for the survey of the Napa River, Calif. I send the amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 55, between lines 7 and 8, it is proposed to insert "Napa River, Calif."

Mr. OVERTON. That, as I understand, is a survey item?

Mr. DOWNEY. It is.

Mr. OVERTON. I think the page is wrong. There are not that many pages in the bill. I suggest to the Senator from California that he modify his amendment by providing that it be inserted on page 39, after line 22.

Mr. DOWNEY. Mr. President, I will ask that the amendment be modified in that respect.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. OVERTON. Mr. President, a parliamentary inquiry. Have all the amendments beginning on page 38 been adopted?

The PRESIDING OFFICER. The Chair is informed they have been adopted.

Mr. OVERTON. Have all the committee amendments been agreed to there?

The PRESIDING OFFICER. The Chair is so informed. The question is on agreeing to the amendment offered by the Senator from California [Mr. DOWNEY], as modified.

The amendment, as modified, was agreed to.

Mr. JENNER. Mr. President, I offer an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 26, between lines 20 and 21 it is proposed to insert the following:

No provision of this or any other act shall be construed to authorize the construction of Shoals Dam on the East Fork of the White River in Martin County, Ind.

Mr. OVERTON. Mr. President, I am sorry, but my attention was diverted and I did not hear the amendment.

The PRESIDING OFFICER. The amendment will be restated.

The Chief Clerk restated the amendment.

Mr. OVERTON. Mr. President, may we have an explanation of the amendment?

Mr. JENNER. Mr. President, I will say to the distinguished Senator from Louisiana that the situation involved is about the same as that explained on the floor of the Senate by the Senator from



North Carolina [Mr. BAILEY]. It affects a community in which I have lived for the last 10 years. This matter has been discussed publicly for several years, ever since the Army engineers began their survey. I want it understood that I am in favor of flood control; however, this is really not a question of flood control; it is more a question of flood diversion, because this dam would back water up through the valley for miles, damaging farm lands of several counties, railroads, and highways, and affecting more than a thousand farms which, I am informed, contain the best farming land in this community.

The matter has been taken up with the Army engineers and they have promised as soon as possible to bring about a real flood program in this valley by a substitute proposal which involves planting, terracing, strip farming, and the construction of a series of several dams at the headwaters of the tributary to hold the water where it falls. We have a falling water table in this area. For instance, Columbus, Ind., has to go deeper each year for its water. The method proposed by the substitute program would raise the water level, control floods, and protect the best farm land in five counties and save the farmers their homes.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. JENNER. I yield.

Mr. OVERTON. This dam is situated wholly in Indiana in the Senator's own State, is it not?

Mr. JENNER. That is correct.

Mr. OVERTON. Very well; and it affects merely the area in the vicinity?

Mr. JENNER. Yes. I now live only 20 miles from the proposed site of the dam.

Mr. OVERTON. I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Indiana.

The amendment was agreed to.

Mr. TAFT. Mr. President, I should like to ask the chairman of the subcommittee whether the amendment relating to Reno Beach, Lucas County, Ohio, has been inserted in the bill.

Mr. OVERTON. It is a committee amendment. I presume it has been agreed to.

The PRESIDING OFFICER. The committee amendment has been agreed to. Does the Senator from Ohio wish to have the vote reconsidered?

Mr. TAFT. No. However, there is nothing in the printed bill relating to this project.

Mr. OVERTON. There is no objection to the amendment. I was under the impression it was in the bill.

Mr. TAFT. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 39, after line 13, it is proposed to insert the following:

Reno Beach, Lucas County, Ohio, with a view to protection of the Reno Beach-Howards Farm area and adjacent areas from

floods caused by frequent windstorms and from increases in the lake level of Lake Erie.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment was agreed to.

Mr. HAYDEN. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 10, after line 10, it is proposed to insert the following:

The project on the Little Colorado River for local flood protection at Holbrook, Ariz., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 648, Seventy-eighth Congress, second session, at an estimated cost of \$258,000.

Mr. OVERTON. Mr. President, I think the Senator has the paging of the amendment wrong. It should be on page 29, after line 10.

Mr. HAYDEN. I should like to correct the page where the amendment is to be inserted.

The PRESIDING OFFICER. The correction will be made.

Mr. HAYDEN. Mr. President, let me explain the background of the amendment. Proper authorization was made by Congress for investigation of this project in the Flood Control Act of August 27, 1937. Investigation was made, and the project was recommended by the Corps of Engineers and the Bureau of the Budget. All the formalities required by law have been complied with. However, there was a rule of the Senate Committee on Commerce, of which I never before heard, that there must be a finding that the benefits equaled the amount to be appropriated, and that if the benefits were not equal, then an authorization should not be made.

In this case it was found that the benefits would amount to nine-tenths of the appropriation, but not ten-tenths. If it had been ten-tenths, this project would have come within the rule. Because of this one-tenth difference between the cost and the benefits, as found by the Army engineers, the committee, by a rule of its own, omitted this item from the bill. Do I correctly state the situation?

Mr. OVERTON. The Senator's statement is correct as to the facts.

Mr. HAYDEN. The situation is that the Army engineers have found actual benefits equal to nine-tenths of the appropriation. They also found unevaluated or intangible benefits to be exceptionally large. An intangible benefit is something that is very difficult to prove. Through the town of Holbrook runs the main line of the Santa Fe Railroad, a transcontinental line, double tracked. A river runs through the town, and if something is not done, floods will inundate the town, which is a county seat, with values of many hundreds of thousands of dollars, and tear up the railroad. So it is perfectly obvious that the benefits to be conferred are greater than the amount of the appropriation. But because of the words tangible and intangible, the committee has, it seems to me, split a very

fine hair. If it could have been shown that the tangible benefits were equal to the amount to be appropriated, then the appropriation would have been allowed. The actual tangible benefits as found by the Corps of Engineers amount, as I have said, to nine-tenths of the amount to be appropriated. The committee does not take into consideration any intangible benefits, does not give us any credit for them at all, whereas as a matter of fact intangible benefits are and must be very much greater where there is a town of 2,500 people, a county-seat town, and there is a transcontinental railroad which is bound to be washed away unless this project is constructed.

Under such circumstances the chairman of the subcommittee should be willing not to split quite so fine a hair, and should consent that the amendment be agreed to by the Senate. It does not seem to me that such a strict adherence to the rule is justified in the light of the facts.

Mr. President, I have been at Holbrook and know exactly what the situation is. At one time the Little Colorado River there had a deep and well-defined channel, but due to overgrazing in the watershed, vast quantities of silt have come down and filled up the river bed, until now the bed of the river is above the level of the land in the town. The local authorities have themselves put in a temporary levee, as best they could, but any big flood, such as those which have occurred at different times on that stream, would bring about such a condition that that weak levee would not hold.

There is one other matter about determining what these benefits are. I think the Corps of Engineers has not adopted a rule which fits our western section of the country at all. Here in the East, where there are annual floods every year or two, where floods are frequent, it is perfectly proper to divide the damage done by the number of years in which the floods occur. In the western section of the country there is a totally different situation. We may run along in that arid section, as we do, with a series of drought years, or with slight rainfall at least, perhaps for 8 or 10 years. Then there will be a tremendous flood which does enormous damage, as I know western Senators will testify. I see before me the Senator from Colorado [Mr. MILLIKIN]. There have been floods in the city of Pueblo in his State from time to time which nearly washed the town away, but by the help of the Federal Government the town was protected.

If we are to divide the amount of damage done, which is certain to be done, at any one particular time, by the number of years in which floods occur, we do an injustice to all the western section of the country, where we have these torrential floods, and then have long dry spells. That kind of a rule can be adopted for the East, where floods are frequent. It is a sound rule in the East, but it does not fit in the West. So such a basic rule for determining the ratio of benefits to appropriations is not applicable. In the second place, if it were applicable, I contend that Holbrook comes nine-tenths within the rule. If

it is that close, this amendment should be agreed to by the Senate.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. McFARLAND. I should like to ask my colleague if it is not a fact that the testimony was to the effect that the last flood did great damage to the town of Holbrook.

Mr. HAYDEN. There is no question about it. At that time the water came up over the part of the town between the railroad tracks and the river and almost broke the tracks.

Mr. McFARLAND. The raising of the river bed would make the damage much greater in the future.

Mr. HAYDEN. I was about to point out that the conditions have grown worse since the time to which I have referred, because of the accumulation of silt in the river bed, which has resulted, as the situation is today, in the bed of the river being higher than parts of the town. The river will just overflow a large part of Holbrook unless something is done about it.

Mr. McFARLAND. Mr. President, I should like to add that when the subcommittee of the Committee on Reclamation and Irrigation held hearings in Arizona it was testified there that if this flood-control project was not put into effect the result would be that if another flood occurred it would practically wipe out the town of Holbrook.

Mr. OVERTON. Mr. President, the very able Senator from Arizona [Mr. HAYDEN] a moment ago wanted to know whether the statement he made was correct. It was very correct up to that time, but when he discussed the question of how the cost benefit ratio is calculated the Senator fell into certainly a very pardonable error. It is not a question of how much is to be appropriated or the total cost. The engineers consider what the annual costs are and they amortize them, and then they add the interest, and so on. Then, as against that they take the annual benefits which would be derived from the improvement.

When the annual benefits exceed the annual costs then the project is ripe for authorization. It is necessary that we have some rule about it, and we have had to adhere to it rather strictly, because it may be contended for instance, that if the cost benefit ratio is 50 to 100, then the project ought to be authorized. Such a contention might be made.

What is done in determining the benefits is this: The whole flood history of a particular stream is considered as far back as it can be found, and so far as it affects a particular town, and then there is ascertained the damage which has been caused throughout the years. If a great flood has swept away Holbrook, that would be considered, and that damage would be prorated over the years, and there would be added to it any additional damage that had occurred. That is the only systematic way to go about it.

The Senator from Arizona is very persuasive with me and with the committee, and I think with the Senate, and I am very much in sympathy with him. I

wish I could agree with him without departing from the rule respecting authorization of his project. If the Senate agrees to the Senator's amendment, I shall not shed any tears. I simply want to explain that the committee cannot depart from the rule. If we did, we would soon be at sea.

Mr. HAYDEN. Mr. President, there is just one point I should like to clear up. Floods are more frequent in the East, where there is plenty of rainfall, than they are in the arid regions, and therefore, if the damage is prorated annually, and if the floods occur on the average every 3 or 4 years in the East, the damage done would be divided by 3 or 4, while if floods occur every 10 or 15 years in the West, the damage done must be divided by 10 or 15, according to the formula stated by the Senator from Louisiana. But when floods come in the West, as they will come and have come from time to time, although not so frequently as in the East, a town is wiped out just as effectively whether it occurs once every 10 or 15 years or once every 5 years. The situation as it exists requires that this protection be given to the community, and to a great transcontinental railroad line so as to avoid disaster. Therefore, Mr. President, I ask that the amendment be adopted.

Mr. OVERTON. There is no evidence that the town has ever been wiped out, is there?

Mr. HAYDEN. As I told the Senate, when the flood occurred considerable damage had been caused before the water ceased to rise, but in the meantime the conditions have changed for the worse. I want the Senate to understand that the amendment is recommended by the Chief of Engineers. When I took it up with him the second time he said, in substance, "We can only repeat our recommendation. We urge the Congress to adopt this amendment. In our judgment it should be adopted."

Mr. OVERTON. I wish to advise the Senate that if there were any changes locally the engineers could easily report them, and a review report could be made. That report could be made very promptly and the item could have been placed in this bill.

Mr. HAYDEN. Why does the Senate need a review report when this project has already been recommended by the Chief of Engineers? In proof of what I have said I ask to include as a part of my remarks an extract from House Document No. 648, Seventy-eighth Congress, second session, and a more recent letter from the Secretary of War approving my amendment.

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, January 2, 1942.

Subject: Little Colorado River, Ariz., and N. Mex.

To: The Secretary of War.

I submit for transmission to Congress my report with accompanying papers and an illustration on preliminary examination and survey of Little Colorado River and its tributaries upstream from the boundary of the Navajo Indian Reservation in Arizona, au-

thorized by the Flood Control Act approved August 28, 1937.

2. Little Colorado River rises in northwestern New Mexico and flows northwesterly 315 miles to join the Colorado River in north central Arizona, 293 miles above Boulder Dam. Its drainage area of 27,800 square miles ranges from mountains to relatively flat desert country through which the lower river and its tributaries have cut deep canyon courses. The basin is sparsely populated and its principal development is in farming and stock raising. These activities are limited due to scarcity of water. The average annual precipitation ranges from 7 inches in the downstream desert area to 25 inches in the headwater mountains. Most of the main stream and tributary channels have only intermittent flow.

3. Flood flows of appreciable magnitude are possible throughout the basin and, according to the meager records available, have been of comparatively frequent occurrence, but the threat of serious flood damage is concentrated largely at Gallup, N. Mex., and Holbrook and Flagstaff, Ariz. The possible future flood damage in these localities, on an average annual basis, is estimated at \$40,000, \$12,600, and \$5,800, respectively. There have been no Federal improvements primarily for flood control. The Department of Agriculture is making extensive improvements for erosion control in the vicinity of Gallup, N. Mex. Local interests at Gallup, Holbrook, and Flagstaff have made various improvements for prevention of flooding and bank erosion but none of the measures taken is adequate for major floods. There are 26 reservoirs, ranging from 500 to 22,000 acre-feet in capacity, and numerous smaller reservoirs, primarily for irrigation storage. The total capacity of these projects is estimated at 150,000 acre-feet or more, but their regulatory effect on major flood flows is negligible. Local interests request that consideration be given to improvements for flood control, water conservation, soil-erosion prevention, water-supply and power development. They suggest 18 specific projects for which their partial estimate of costs is \$1,421,880.

4. The district engineer reports that a program designed for general control of floods throughout the basin, either with or without conservation or power-development features, would be clearly uneconomical at this time, due principally to the comparatively small extent of development and the wide dispersion of flood damages. Of the 18 specific improvements suggested by local interests, only 3 were found to have sufficient flood-control possibilities to warrant detailed study; namely, the projects for Holbrook, Gallup, and Flagstaff. Several alternate methods of obtaining flood protection at these localities were investigated, but no plan was found to be economically justified at Gallup and Flagstaff. The plan found most suitable for Holbrook is a levee system at an estimated cost of \$258,000 for construction, \$29,000 for highway bridge and utility alterations, and \$1,000 for rights-of-way. The annual carrying charges would be \$12,500. The project would provide protection for 95 percent of the town against floods up to the estimated maximum experienced flow and would result in tangible benefits estimated at \$11,100 annually. The district engineer considers that these benefits, together with the unevaluated benefit of protecting this community which serves as a supply center for 35,000 inhabitants in the surrounding area, are sufficient to justify the project and he recommends its construction at an estimated cost to the United States of \$258,000 subject to certain conditions of local cooperation. The division engineer concurs.

5. The Board of Engineers for Rivers and Harbors concurs in general in the view of the reporting officers and in their recommendation for construction of the project.



6. After due consideration of these reports, I concur in the views of the Board. Flood control throughout the Little Colorado Basin generally, by measures for which the War Department would be responsible, is not economically justified under existing conditions of development. The only individual project warranted at this time is the construction of a levee at Holbrook, a community which serves as a supply and distribution center for 35,000 inhabitants in the surrounding area. In my opinion, the tangible benefits of the project together with the unevaluated benefits of the increased security and welfare of the inhabitants are sufficient to justify the project at Holbrook, and I recommend its construction, substantially as outlined in plan A in the report of the district engineer, at an estimated cost to the United States of \$258,000 for construction; subject to the condition that responsible local agencies give assurances satisfactory to the Secretary of War that they will (a) provide without cost to the United States all lands, easements, and rights-of-way necessary for construction of the project; (b) bear the expense of all necessary highway, highway bridge, and utility alterations; (c) hold and save the United States free from claims for damages resulting from construction of the works; (d) maintain and operate all works upon completion in accordance with regulations prescribed by the Secretary of War; and (e) establish and enforce flood-channel limits and regulations satisfactory to the Secretary of War for protection of the flood-carrying capacity of the channel.

E. REYBOLD,

Major General, Chief of Engineers.

WAR DEPARTMENT,

Washington, September 8, 1944.

HON. JOSIAH W. BAILEY,  
Chairman, Committee on Commerce,  
United States Senate,  
Washington, D. C.

DEAR SENATOR BAILEY: I refer to your letter of August 10, 1944, requesting a report on an amendment intended to be proposed by Mr. HAYDEN to the bill (H. R. 4485) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

The purpose of this amendment is to authorize a project on the Little Colorado River for local flood protection at Holbrook, Ariz., at an estimated cost of \$258,000.

In pursuance of authority contained in the Flood Control Act approved August 28, 1937, a survey of the Little Colorado River and its tributaries upstream from the boundary of the Navajo Indian Reservation in Arizona, was made and a report giving the results thereof was transmitted to the Speaker of the House of Representatives with the Department's letter of May 31, 1944. In that report a plan for local flood protection at Holbrook, by the construction of a levee system at an estimated cost to the United States of \$258,000, was recommended for adoption by Congress. The amendment proposed by Senator HAYDEN would authorize this project substantially in accordance with the recommendations of the Chief of Engineers in that report which is being printed as House Document No. 648, Seventy-eighth Congress, second session.

The War Department favors enactment of this amendment. The page reference should be corrected as indicated on the copy of amendment herewith to insure that the item will go into the bill in its proper sequence. The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

HENRY L. STIMSON,  
Secretary of War.

Mr. McFARLAND. Mr. President, will my colleague yield?

Mr. HAYDEN. I yield.

Mr. McFARLAND. In answer to the Senator from Louisiana I should like to read a brief portion of the testimony which was taken before the subcommittee of the Senate Committee on Irrigation and Reclamation in Arizona last summer. I read from the testimony of Mr. J. R. McEvoy, the president of the bank at Holbrook. He said, speaking of the last flood:

This was just a few of approximately 20 buildings that were destroyed by this flood, and a number of business houses and homes in the residential district were damaged by the water running into the basements. This loss was approximately between \$40,000 and \$50,000 to the residents of Holbrook.

I do not wish to go into detail in regard to this testimony, but it shows a great loss to the town of Holbrook in the last flood, and, as pointed out by my colleague, this damage will be nothing compared with what it will be in a future flood, because the bed of the river has risen until it is almost as high as the banks.

Mr. President, I ask unanimous consent that the testimony of Mr. McEvoy, beginning on page 17 of the record, as well as that of Mr. William Darling, be printed in the RECORD at this point.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

Mr. J. R. McEvoy. I realize as Judge Levi Udall said, that time is precious, that you have a good many other counties to hear from. With your permission, I am going to refer to this paper I have prepared here.

From what information of record I have gathered together since 1915 to 1923 the town of Holbrook was in danger of flood water. In 1915 the Lyman Dam went out, causing a flood at Holbrook.

I am going to bring before this committee only the period from 1922 up to the present time, which is approximately 22 years, during which time I have been a resident of Holbrook.

On September 17 and 18, 1923, a big onrush of flood waters engulfed Holbrook buildings. The first house to fall into the river was Judge Crosby's, next the J. C. Manley home, which was owned by L. D. Cadwell, the next two cottages belonging to R. D. Greer were swept away. The Emil Berling bakery was washed away, and the A. C. M. I. warehouse went down the river Tuesday about 4 p. m. in the evening. That was just a few of approximately 20 buildings that were destroyed by this flood, and a number of business houses and homes in the residential district were damaged by the water running into the basements. This loss was approximately between \$40,000 and \$50,000 to the residents of Holbrook.

During the flood the Little Colorado bridge, built by the Arizona Highway Department, was damaged, and people wondered how it stood up so well. The Apache Railway Co.'s bridge just west of the highway bridge was damaged very badly. On September 21, 1923, the Holbrook paper came out with the heading "Holbrook will dike the Little Colorado River." A meeting was called by the chairman of the chamber of commerce, W. J. Hookway. In attendance were W. J. Hookway, John R. Hulet, Dr. S. Earl Taylor, Adolph Schuster, Julius Wetzler, and Judge Jesse E. Crosby, and a number of other citizens. In fact, it probably was one of the largest meetings of a public kind held in Holbrook. The meeting was held at the Pastime Hall, Wednesday, September 19, 1923. It was decided upon by this group that a dike was the proper thing to build for flood protec-

tion to the remaining property located at the south of Porter Street.

Chairman of the board of supervisors Clarence Owens, offered the assistance of the county to the extent of approximately \$6,000, and the town of Holbrook contributed approximately \$1,000, and with this money some rip-rapping was done for the river, which was of great assistance. However, periodically from 1923 on we were menaced each year with the high water of the river.

The matter was taken up with the State highway department, and they spent approximately \$15,000 in building one or two more dikes near the south end of Porter Street which helped divert the water to the center of the river bed, therefore helping to protect the rest of the residents along the north end of the river bank. This helped a great deal, and in addition to this work, the Lions Club of Holbrook planted tamarack trees along the north bank of the river adjacent to Holbrook, which during the past years have grown to a size where they are some protection to that part of town. It should be mentioned that the river over these periods of years has been filling up with silt until it has been almost level with the bank of the river. This means that at flood time the water can easily overflow the bank.

Up until 1925 after doing all we could in Holbrook to protect ourselves from floods, to the extent of our financial abilities, we found that it was more than we could take care of. It was then that this matter of flood protection to Holbrook was taken up with our Senators and Representatives in Congress, and we are glad to say that they have helped us a great deal. About 1928 Army Engineers spent considerable time surveying the river, and at this time easements were signed for rights-of-way on the river bank, and as we understand it, flood protection to the town of Holbrook. This, of course, took several years to work out, and with the war coming on, this project was stopped for the time being.

The flood that caused the damage to our town was only from the Little Colorado River. Less than 3 miles east of town the Puerco River also runs into the Little Colorado. If these two rivers should ever flow floodwaters at the same time, there is no question but that the biggest part of Holbrook would be washed away.

I also might mention that we are unable to purchase flood insurance which signifies that the underwriters must consider it an extraordinary risk.

I wish to state again that it has been through the good help and assistance of our Senators and Representatives in Congress that we have been able, over a period of years, to get over the importance of flood protection to the town of Holbrook. In the Arizona Republic of June 1 an article appeared headed Washington, D. C., that two flood-control projects were recommended: One, Bill Williams River, Ariz., concrete flood-control dam at Alamo site, \$3,202,000; Little Colorado River, N. Mex.-Ariz. levees, and others, \$288,000. During the month of May on page 4228, CONGRESSIONAL RECORD, House, Mr. MURDOCK brought before the House of Representatives that there is a flood-control situation badly needed at Holbrook, Ariz., on the Little Colorado River, which has been looked into and carefully studied by the Army Engineers. They made their complete report some time ago and the only thing left in finishing this report is that it has not cleared the Bureau of the Budget nor the Bureau of Reclamation; however, I happen to know that the Bureau of Reclamation is favorable to it and it would interpose no objection. He asked to have this referred to the Senate after clearance is received and later, if possible, to the conferees in regard to this same bill, because the flood hazard at Holbrook is very, very bad. The Army Engineers' report is complete up to the point indicated.

You can see, gentlemen, that considerable work has been done, money has been spent, but the job has not been completed. There is no question in my mind, and I do not believe there is any question in anyone's mind who has seen our rivers adjacent to Holbrook, that we need flood protection as soon as possible, and it is, without question, an emergency.

There has been introduced in the House of Representatives by Mr. WHITTINGTON, H. R. 4485, authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes. I have read the bill, and I find that there are approximately 80 different projects set up that stated the amount of appropriation; however, not one cent for the Little Colorado River at Holbrook. It has been suggested that possibly when this H. R. 4485 bill is presented to the Senate that a rider might be placed on the said bill setting up approximately \$300,000 protection to the town of Holbrook.

Not being familiar with the procedure of legislation through our Congress, I am not in a position to say whether or not this would be the proper thing to do. I do say this, that if such an amendment could be attached to this bill, it would give us the flood protection that we need at Holbrook.

Now, gentlemen, if this suggestion meets with your approval, we would appreciate your support in our behalf. I feel today, like I have every day since the flood of 1923, that Holbrook is in a vulnerable spot to be washed away some day if high waters come from the Puerco and the Little Colorado Rivers. We have been fortunate over the past several years in not being menaced too much with high waters. This was attributed to the fact that we have had a drought in our vicinity during that period of time, and the rains that we did get came at intervals so that not a great deal of damage was done; however, there were times when the entire river bed filled up from the Little Colorado River.

Mr. WILLIAM DARLING. Mr. McFarland, Mr. Hatch, and Mr. Bashore, I didn't come here to make any particular speech, but I do want to say that I have lived in Winslow on the Little Colorado for some 23 years; and being in the engineering department of the railroad, it has been necessary for me to study the actions of the Little Colorado, and to take such steps necessary to stop erosion and keep our railroad together.

At Holbrook in particular, we have been able to hold our railroad together for the past 23 years, and in doing so, we have afforded the town some protection, but not all the town is entitled to. We have spent the equivalent of seventy to ninety thousand dollars in the part of the river that menaces Holbrook, but as stated by Mr. McEvoy, neither the Rio Puerco nor the Little Colorado which join just above Holbrook has come down in flood stage in the same period. Now, that can easily happen, as all of you who live in the Southwest know, that ordinarily our streams do not all run the same day or the same hour, but if you get a stream from the three directions, you can run all of them together, and when they do, you have a river full of water. And while the river may stay full of water only 1 or 2 hours and all be gone, in that same time all of the damage that could be thought of can be done, because these rivers in the Southwest are not slow-running pleasant streams like they are in the Middle West. They are fast, their stream beds are swift. All of you have seen these big muddy streams and how they just cut banks away like they were sugar. And that can happen to any ordinary protection like that afforded by ourselves.

In the case of the town of Holbrook, the minor portion of the town lies between the river and the Santa Fe Railroad. That portion has very little protection already af-

forded by the street. But that portion of the town, which we might say is one-fifth of the town, can be washed away very easily.

But the rest of the town north of the railroad is really in a hazardous position also, whether they know it or not. During the past 25 to 30 years the river bed of the Little Colorado for a distance of 5 miles below Holbrook to a distance of 15 to 20 miles above Holbrook has been filling up with sand that has been coming down from New Mexico and part of Arizona.

Senator HATCH. Yes; we know about sand in New Mexico.

Mr. DARLING. And gradually raising this river bed until actually the threat is that the river bed can be higher than the town.

Senator HATCH. That sounds ridiculous, but I know as a matter of fact that it can happen.

Mr. DARLING. We have a case right at the lower end of town where other streams come in. The Leroux wash which 30 years ago a man could ride horseback under. The railroad raised that bridge 5 feet about 2 years ago, and 5 years ago built a new line and raised it another 5 feet.

Senator HATCH. Do you happen to be familiar with San Marcial, N. Mex.?

Mr. DARLING. The sand was up to the second-story windows.

Senator HATCH. That's right.

Mr. DARLING. And this same thing can happen in Holbrook. And as we say, we of the railroad can repair our damage as we always have and keep the railroad. We know we can repair our damage in 48 hours and keep our railroad, but if the levees we have provided for the town break through and the town of Holbrook gets inundated, they cannot repair their damage with a lifetime of work.

I don't think there is a great deal more that I can add to this, because all of you are familiar with the Southwest streams and exactly how they act. But where stream beds rise the hazard grows and creeps up on the people without their knowing it.

I would say that 4 years ago it happened that the Army Engineers had completely developed a plan to take care of this situation, and it is expected that this plan can be put into effect in the following year if the war hadn't come along. But naturally, with the war on, it is necessary to underwrite and pass up other expenditures. But it does appear that this is a logical expenditure for the people of Holbrook right after the war, and whether it is done by the Bureau of Reclamation or by the United States Army Engineers, it is still a Government function because it is caused by streams beyond the control of the town of Holbrook.

Senator McFARLAND. Thank you.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN] on page 29, after line 10.

The amendment was agreed to.

Mr. OVERTON. Mr. President, I see that the Senator from Kentucky [Mr. BARKLEY] is present. He desired the first committee amendment, appearing on page 1, to be passed over temporarily. Is the Senator ready to proceed with it now?

Mr. BARKLEY. Mr. President, I asked that the first amendment be passed over. That amendment seems to depart from the legislative course which Congress has heretofore adopted in regard to flood control. I do not know what the committee had in mind, but on the surface it looks as if this amendment was intended to preclude Congress hereafter from establishing for the de-

velopment of any river valley, such as the Missouri River Valley, which is now very much in the picture, and other valleys, any agency similar to the T. V. A. or patterned after the T. V. A. I do not recall that this provision has been in any previous flood-control bill. I wish to read it so that Senators may understand it, and then I want to inquire of the Senator from Louisiana what the committee had in mind in inserting this language in the bill:

It is the purpose of this act to establish a definite policy of making use of existing Federal agencies for the construction, operation, and maintenance of all public improvements in connection with navigation, flood control, and allied activities; to insure coordinated operation of all Federal projects therein for the improvement of navigation and alleviation of flood conditions; to provide for realization of other benefits to be derived from such projects; to facilitate preparations and planning for post-war construction by the Federal Government in the interest of employment; and to secure efficient executive management under the direction and supervision of the permanent executive agencies already established by act of Congress.

It seems to me that language could have only one meaning, and that is to preclude the creation of any more authorities in any valleys for the development of our natural resources.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. OVERTON. I know the Senator is familiar with the Flood Control Act of 1936, because he was very active on the floor in the passage of the measure. The Senator was very much interested in the passage of that measure at the time. I shall now quote, if the Senator will permit me, from that act, because the Senator desires to know whether there has ever been previous legislation along this line.

Mr. BARKLEY. I was reading the amendment in order to inquire of the Senator—

Mr. OVERTON. Whether there has ever been legislation along the same line?

Mr. BARKLEY. I wished to inquire of the Senator the purpose of reinserting this language, in substance, in the present bill.

Mr. OVERTON. There has been legislation along this line. In other bills we have usually had a general statement of policy. Let me read from the act of 1936:

SEC. 2. Hereafter Federal investigations and improvements of rivers and other waterways for flood control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run-off and waterflow retardation and soil-erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by act of Congress.

The act further provided for examinations, reports, surveys, and so forth. That is a general declaration of policy, somewhat similar to the language of the pending bill.



Mr. BARKLEY. What was the date of the act from which the Senator just read?

Mr. OVERTON. The act of June 22, 1936.

Mr. BARKLEY. My attention was brought to this provision in the bill by an editorial in the St. Louis Post-Dispatch, which may have come to the attention of the Senator from Louisiana. The editorial was published on the 12th of November. It refers to this bill and this particular provision as a grave threat to the Missouri Valley Authority, which is provided for in legislation now pending before the Congress. I believe one bill was introduced by the Senator from Montana [Mr. MURRAY] and another by the Senator from Wyoming [Mr. O'MAHONEY]. Those bills have not as yet been reported by the committee.

Of course, the Senator will recall that only a few days ago the President recommended the creation of seven different valley authorities in the United States, somewhat after the pattern of the Tennessee Valley Authority. I realize that no language in a bill like this would bind future Congresses. It would not prevent a future Congress from establishing a separate authority in any valley in the country, as a matter of law or authority. However, I was wondering whether the language which has been inserted in the bill, declaring it to be the policy that hereafter no improvements of any kind shall be undertaken on any rivers except through existing agencies, was intended to have whatever effect it might have upon future Congresses in determining whether there should be a Missouri Valley Authority, a White River Valley Authority, or some other river valley authority based upon the pattern set by the Tennessee Valley Authority.

I am interested in that question, not particularly because of any geographical situation, but because of the possibility that ultimately the Cumberland River may be included, and such a program might be established under the Tennessee Valley Authority. If the Cumberland River should ever be treated, it might be included under the existing Tennessee Valley Authority. Bills have heretofore been introduced to that effect. They have not been acted upon by the Congress, although one of them did pass the Senate.

I should like to know what was behind the committee's proposal undertaking to freeze all future river improvements, for whatever purpose, in existing authorities, which would be the Corps of Engineers of the Army and the Bureau of Reclamation of the Department of the Interior. We all know that there has been a dispute between the Corps of Engineers and the Bureau of Reclamation of the Department of the Interior with regard to jurisdiction over rivers. It seems that they have now reached a sort of armistice. Whether that is an agreement of convenience, or whether it is one involving any principle, or whether it works to the more efficient administration of our river valleys, I do not know. However, the discussion of this problem in the editorial in the St. Louis Post-Dispatch

rather hints at the idea that the two divisions, one in the Army and the other in the Department of the Interior, have got together in order to forestall the creation of any other authorities or agencies. I should like to know from the Senator from Louisiana just what was in the minds of members of the committee when this amendment was adopted.

Mr. OVERTON. Mr. President, flood-control legislation is progressive. The Federal Government did not take serious charge of flood control until 1928, following the great disaster of 1927 in the lower Mississippi Valley. Then the Congress of the United States declared that the control of floods in the lower Mississippi Valley was a national obligation, and undertook to authorize projects and the appropriation of money. The work was to be done solely under the supervision of the Army engineers.

In 1936 the Congress proceeded much further. It took a very forward step, and declared that flood control generally throughout the Nation was a national obligation. It proceeded to authorize certain projects for that purpose and placed them under the supervision of the Army Engineers, to be assisted by the Department of Agriculture in reference to the headwaters of various streams.

Flood-control legislation is very progressive. It has proceeded step by step under the direction of the Congress, of which the Senator from Kentucky is a very distinguished Member, until we have intertwined it with irrigation, with the generation of power, and with a broader and more extensive agricultural development of lands bordering upon streams or their upper reaches. So various agencies of the Government have come into the picture to deal with this subject. Each time we have had a flood-control bill we have had a declaration of policy, not in this exact language, but in language somewhat similar to it. We have now reached the point where, instead of mentioning all the various agencies, we simply say, as suggested in this amendment:

It is the purpose of this act to establish a definite policy of making use of existing Federal agencies—

Such agencies include the Bureau of Reclamation, when it comes into the picture in relation to irrigation dams, reservoirs, and so forth. It includes the Federal Power Commission, which enters into the picture when a dam has anything to do with power, and also the Department of Agriculture when it is interested in any of the projects contained in the bill. Therefore, we make use of existing Federal agencies which may be interested—

for the construction, operation, and maintenance of all public improvements in connection with navigation, flood control, and allied activities; to insure coordinated operation of all Federal projects therein for the improvement of navigation and alleviation of flood conditions; to provide for realization of other benefits to be derived from such projects; to facilitate preparations and planning for post-war construction by the Federal Government in the interest of employment; and to secure efficient executive management under the direction and supervision of the

permanent executive agencies already established by act of Congress.

It does not seem to me that that general provision smacks of seven regional authorities or of a blow against seven regional authorities. We use the presently constituted and existing agencies to help in the development of our water resources. At any time Congress wishes to deprive the engineers of control of navigation or flood control, or wishes to destroy the Bureau of Reclamation insofar as it has to deal with irrigation, it can do so, and have one authority after another over the whole Mississippi River and all its tributaries, or can bring it all under one great authority. All that is within the power of Congress.

The newspaper to which the able Senator has referred is one of the St. Louis newspapers—the St. Louis Post-Dispatch—is it not?

Mr. BARKLEY. Yes.

Mr. OVERTON. It is a strong advocate of these authorities, as I understand. If in the opinion of the lay editor of that newspaper any provision of the bill might militate against the future authorization of some authority, I can understand why he would become very much excited about it; but I am surprised that the able senior Senator from Kentucky should become excited about such a provision as this one.

Mr. BARKLEY. I am not excited at all; I was never more calm in my life.

Mr. OVERTON. I am very glad to hear that.

Mr. BARKLEY. I simply endeavored to obtain, in a calm way, a clear statement from the committee about what was in the back of the heads of the members of the committee when they inserted this provision.

I should also like to refer to the report filed by the committee when this provision was inserted. I read the following from the report:

The committee is of the opinion that the best interest of the country as a whole will be served by fully utilizing Federal agencies in the planning, construction, maintenance, and operation of all improvements for the development of the Nation's water resources.

That is very broad language. If the Senator had said in his amendment and in his report that, insofar as the projects carried in the bill are concerned, they advocate the limitation of jurisdiction over them to existing agencies, that would have been one thing. But it seems to me to be a fair interpretation of this language to say that it projects itself into the future, and attempts to declare a policy on the part of Congress, because, as I read further, it says—

The established Federal agencies have highly trained personnel that are specialists in their respective fields. The chiefs of the principal bureaus and commissions directly responsible for the preparation of plans and for the administration of the national program for the development of the water resources of the country have entered into an agreement to insure cooperation on multiple-purpose projects.

Those are the Bureau of Reclamation and the Corps of Army Engineers for rivers and harbors, which have been at each other's throats for a long time.

over the question of jurisdiction. They have now come to an agreement.

Mr. OVERTON. If the Senator will permit me to interrupt him at this point, let me say that I do not think they have been at each other's throats. I think they have gotten along together quite well.

Mr. BARKLEY. But they have disagreed.

Mr. OVERTON. Perhaps they have disagreed in some instances. But in the case of the Missouri River Basin development, which has caused so much comment, when they got together they found that the differences between them were very few. If the Senator will read the report, he will see that when they got together their differences were reconciled.

Mr. BARKLEY. I do not know under what auspices they have met and have entered into an agreement. I read further from the report:

Under the terms of that agreement, conferences are held in Washington at least once each calendar month for the purpose of discussing the results of studies and investigations, adjusting differences of opinion, and promoting ways and means for implementing the agreement.

The committee believes that the most effective means of insuring efficient executive management and a uniform administration of the national policies enunciated by Congress with respect to navigation, flood control, irrigation, development of hydroelectric power, water-flow retardation, and soil-erosion prevention is through the utilization of the permanent executive agencies already established by acts of Congress for the administration of these programs and it recommends adoption of the amendment.

Mr. OVERTON. That is a conclusion.

Mr. BARKLEY. I cannot read into that language anything except the purpose, at least, to try to commit the Congress in advance of any separate treatment of any river which might come under the jurisdiction of Congress. Frankly, I do not know what other reason could have actuated the committee in inserting that language.

Mr. OVERTON. Does the Senator disagree with the conclusion that these projects should be under the control of established agencies?

Mr. BARKLEY. I do not disagree.

Mr. OVERTON. Does the Senator disagree with the conclusion that the projects should be under the control of experts long trained and schooled in this kind of work? That is the statement made by the committee.

Mr. BARKLEY. Of course, I do not disagree to that. Neither do I disagree to the proposal or suggestion that, so far as the projects to be carried on under this bill are concerned, which are flood-control projects, or even insofar as the rivers and harbors bill is concerned, which relates to the ordinary and routine improvement of our rivers and harbors, they should be under the jurisdiction of experts.

But the Senator from Louisiana knows what I have in mind. Congress decided to establish the Tennessee Valley Authority. It may decide—I do not know about that—to establish or adopt the St. Lawrence waterways project, in which

the Senator from Vermont [Mr. AIKEN] is vitally concerned. It may decide to establish an Arkansas Valley Authority. It may undertake to set up a separate Government agency hereafter. While I agree that the language used by the committee cannot prevent Congress from doing that in the future—

Mr. OVERTON. Certainly not; I agree thoroughly with the Senator that it could not.

Mr. BARKLEY. Nevertheless, I wonder if it would not normally commit and bind the Congress to the proposition, if any separate valley development should be undertaken, of putting it into the hands of some existing agency, instead of into the hands of a new agency, as we did in the case of the Tennessee Valley Authority.

Mr. OVERTON. It would be futile for the committee in a report or in this bill to undertake to bind the Congress in respect to its action in the future.

Mr. BARKLEY. I realize the futility of attempting to do so.

Mr. OVERTON. We cannot possibly do so.

I wish to state that I really believe that navigation should be under the control of the Board of Army Engineers for Rivers and Harbors. It is one of the presently constituted agencies. I believe that flood control should be under the Board of Army Engineers for Rivers and Harbors. I believe that irrigation projects and other related projects should be under the control of the Bureau of Reclamation, which for 40 years has been dealing with that subject, and has engineers who are now schooled and trained in it and are experts. The Army Engineers have been dealing with navigation projects for more than 120 years, and with flood-control projects ever since we began them. They are the greatest dam builders in the world. They are the greatest levee builders in the world. They are the greatest reservoir builders in the world. As I remarked in my opening statement in connection with the pending bill, I think the splendid schooling we have given our Army Engineers has been of immense value to them in the war in which we are now engaged, and in aiding our soldiers on the battle fronts all over the world.

Now I am expressing and the committee is expressing just what we think—and what I think, too—namely, that we should not overlook the Department of Agriculture. It is doing splendid work. I think these agencies should be recognized. That is just what is said. Congress has not yet undertaken to establish any other authority. If it desires to create some other agency, very well; that would be a matter to be determined by the Congress.

Mr. BARKLEY. I understand that. I raise no question about the competence of the Army Engineers in regard to the improvement of rivers and harbors or in regard to flood control. Neither do I question the ability of the Reclamation Service in matters of irrigation. But we all know that we are reaching a period in the development of our country when we must take into consideration indus-

trial development, hydroelectric-power development, and all sorts of things which are incidental to the improvement of rivers or which may be primarily more important in some sections of the country than the mere improvement of rivers by way of dredging them or otherwise providing deeper channels for navigation. It is impossible to separate flood control from such development.

I think we are rapidly reaching such a point in this country that we must utilize our river resources. Not only must we integrate them simply in order to deepen channels and to dredge harbors but we must integrate them in regard to the whole industrial and agricultural development of the valleys. I think we must soon enter upon a comprehensive program for the utilization of water power.

Mr. OVERTON. If the Senator had attended the hearings he would know, or if he will read the printed hearings he will find, that the bill now before the Senate goes a long way toward doing what the Senator has suggested. The bill deals with hydroelectric energy, irrigation, and reclamation, as well as with navigation and flood control. It interrelates those various activities.

Mr. BARKLEY. I am not a member of the committee and, as the Senator from Louisiana knows, I cannot attend all the hearings which the committee holds, and neither can I attend all hearings which take place before other committees of the Senate.

Mr. OVERTON. That is the reason why I suggested that the Senator read the hearings.

Mr. BARKLEY. I appreciate the Senator's suggestion, and I hope that I can follow it.

In order that the pending amendment may not be misinterpreted by anyone interested in the development of water power, would the Senator object to an amendment at the end of the committee amendment reading substantially as follows:

*Provided, however, That this section shall not be interpreted to preclude the right of Congress hereafter to establish different agencies, if it should see fit, for the development of our water resources.*

Mr. OVERTON. That would be a pretty broad provision. It would provide that nothing could be construed to inhibit the power of Congress to enact future legislation. Such an amendment would deal very broadly with the subject.

Mr. BARKLEY. I agree that the pending amendment would not bind future Congresses but it is subject to being misinterpreted by those who do not always understand the technicalities of congressional legislation. If the amendment cannot bind Congress in the future—

Mr. OVERTON. Why not say so?

Mr. BARKLEY. Why not say so?

Mr. OVERTON. Why not say so in a broader sense? We want it to apply not merely to future agencies, but in other ways and to new methods. Should we not say, "It will not bind Congress at all in the future with respect to legislation



dealing with flood control, power, navigation, and so forth"? Merely to say "agencies" is to stop too soon.

Mr. BARKLEY. I do not care how the language is framed. I realize that so far as binding any future Congress is concerned, legally or constitutionally, the language of the committee amendment is nugatory. But many people throughout the country, especially in the Middle West, may misinterpret the language in the way which I have indicated. If the Senator will agree to language which would dissipate such fear, I think it would go a long way toward reconciling many of those people to the amendment offered by the committee. The amendment could not and would not bind future Congresses, but notwithstanding that many persons think it would bind future Congresses, I think the language should be made clear. It should be plain that it will not bind Congress in the future regarding the manner of developing our water resources.

Mr. CLARK of Missouri. Mr. President will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CLARK of Missouri. If, in connection with the pending bill, we do what the Senator suggests, it seems to me that language should be written into every future act to the effect that we are not attempting to abolish the Constitution of the United States, and that one Congress cannot bind a future Congress. There is no sense in putting such a provision into this measure unless it is put into every measure proposed in the future. Every person who has any sense, and who has read the Constitution of the United States, knows that one Congress cannot bind a future Congress, or bind itself for the duration of the Congress. To insist on writing into this bill a provision that we are not attempting to bind a future Congress, and that we are still operating under the Constitution of the United States, seems to me to be ridiculous.

Mr. BARKLEY. It may be that the original amendment is ridiculous, but while constitutional lawyers like the able Senator from Missouri understand the bill, there are many millions of people throughout the country who do not understand it. I dare say that the Senator from Missouri is more interested in this matter than I am.

Mr. CLARK of Missouri. I am certainly very much interested in the proposal. I am interested in it as a matter of the most vital concern to the people of my State, and the people of the Missouri and the Mississippi River Valleys. But picking out peccadilloes, and undertaking to make attacks on the declaration of the flood-control policy on the theory that it might bind some future Congress, seems to me to be an attempt to defeat the whole measure.

Mr. BARKLEY. Of course, if the Senator wishes to do so, he can put an interpretation upon the measure and endeavor to defeat it, but that is not my objective. My apprehensions are aroused by the fears of people in the Senator's own State with regard to the authority being contemplated.

Mr. CLARK of Missouri. It is not contemplated by the people of the Missouri

River Valley, but only by two newspapers in St. Louis. I intend to discuss their interests in the matter before the discussion on this bill is concluded.

Mr. BARKLEY. In order that the RECORD may show the ground upon which I rose to interrogate the Senator from Louisiana, I ask unanimous consent that the editorial from the St. Louis Post-Dispatch be printed in the RECORD as a part of my remarks.

Mr. CLARK of Missouri. The Senator should include the editorial of the Star-Times, because it always follows the St. Louis Dispatch about 2 weeks later.

Mr. BARKLEY. I have not seen the editorial to which the Senator refers, but I am sure the Senator from Missouri would be willing to put it into the RECORD.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A GRAVE THREAT TO THE M. V. A.—DEAL IS COOKING IN THE SENATE THAT WOULD PUT OFF INDEFINITELY THE "ONE BIG PLAN FOR ONE BIG RIVER"

A situation which greatly concerns President Roosevelt and Vice-President-Elect TRUMAN is developing in the United States Senate this week.

It is a situation perilous to the creation of a Missouri Valley Authority—perilous to the one big plan for one big river to which the President and Mr. TRUMAN solemnly pledged themselves in the campaign just closed.

It is a situation which threatens to deny the people of the Missouri Valley the blessings and security which unified development of the valley's resources would bring.

What is this situation?

The first order of business before this "lame duck" session of the Senate is two measures—the rivers and harbors bill and the flood-control bill. If they are passed in contemplated form, it may delay M. V. A. for years—indeed, the deal now being cooked up, if successful, may be a fatal stab in the back for the M. V. A. idea.

Last spring an old controversy between the Army Engineers and the Reclamation Bureau burst into flame before Congress on the question of bureaucratic control of the Missouri River. The engineers fought bitterly for the Pick plan. The Reclamation Service Bureau fought for the Sloan plan. And no holds barred.

The resumption of this old and apparently irreconcilable feud between two vested governmental interests convinced many people that the time had come to cut the Gordian knot by advancing the M. V. A. idea. That idea would rescue the Missouri Valley from contending factions and place it under harmonious and scientific, but above all, under unified and nonpolitical management.

As the M. V. A. idea took instant hold upon the imagination of the country, and won the ultimate endorsement of the President in a special message to Congress, a strange and wondrous thing occurred.

The feudists, fearful of the M. V. A., lest it invade their bureaucratic precincts, began to murmur softly to each other. And now—marvelous to relate—a marriage between old and bitter enemies has been arranged. The United States Senate will be asked this week to officiate as clergyman at this odd alliance.

But this is no love match. This is a marriage of convenience, arranged not only to kill off M. V. A. but to save the interests jealously guarded by two powerful Government agencies.

This is what the Senate will be asked to do by Senator OVERTON, of Louisiana, spokes-

man for the Army Engineers and certain lower river interests, and by Senator O'MAHONEY, who represents the Reclamation Bureau and certain upper river interests.

It will be asked to amend either the rivers and harbors bill or the flood-control bill by the adoption of a written compact between the Army Engineers and the Reclamation Bureau.

What is this compact? It is an attempt to reconcile the hitherto clashing views of the two Government agencies. It is an attempt to pass off as an amicable plan a compromise between two points of view which are necessarily antagonistic.

Broadly speaking, the legal concerns of the Army Engineers are navigation and flood control. The legal concern of the Reclamation Bureau is irrigation. Neither is empowered by law or equipped by experience or tradition to look at the river as a whole, or to formulate one big plan for one big river. Here the fatal impasse rests. Here it has always rested. Here it will continue to rest, despite the last-minute skin-saving deal that has been contrived.

Why would passage of the Overton-O'Mahoney deal vitiate or destroy the M. V. A. idea? It would do so by intrinsically through act of Congress the authority over the river of the Army Engineers and the Reclamation Bureau. The preamble of the flood-control bill expressly states: "It is the purpose of this act to establish a definite policy of making use of existing Federal agencies for the construction, operations, and maintenance of all public improvements in connection with navigation, flood control, and allied activities."

It would delay or destroy the M. V. A. idea because, although the two pending bills are only authorization measures, they would set a divided pattern for future development of the river. Passage of the deal would pledge the Nation by law and in honor to the execution of a plan which consigns the Missouri River to the same old pulling and hauling which has cursed it in the past.

The deal now cooking would continue the system of "pork barrel" politics in Missouri River development as against a scientific determination of the valley's needs. It would continue remote control from Washington of the valley's destiny as against the decentralized, regional control that M. V. A. would represent. In a word, it would be to ignore, to repudiate, and defy the basic principles which have made the Tennessee Valley Authority the outstanding success that it is, admired throughout the world.

Is M. V. A. to be delayed or done to death by a "lame duck" Congress which does not fully represent the mandate of the people at the polls? Is this to be done before newly elected champions of M. V. A. like Senator-elect MOSES, of North Dakota, are permitted to be heard? Is it to be done in the hope that the President, burdened with a thousand concerns, will not notice this sabotage of his own idea?

Will President Roosevelt stand for it? Will Vice President-elect TRUMAN stand for it? Will Senator MURRAY stand for it? Will Senator GILLETTE stand for it? Will Senator LISTER HILL stand for it? If it is passed and goes to conference, will Representatives COCHRAN and RANKIN stand for it? All these men stand for M. V. A. Four of them have M. V. A. bills pending in Congress.

This editorial does not propose either delay or defeat of the river and harbor and flood-control bills. These bills are national in scope. They include many worthy developments—in Connecticut, in the Great Lakes region, in Boston Harbor, in the Santa Ana River Basin, and even in Hawaii. Our concern is solely and simply with the Missouri Valley. It is a concern born of a century of failure on the part of existing agencies to control the Missouri River. It is a concern born of a conviction that a Missouri Valley

Authority can control our floods, can provide navigation, conserve our soil, give us low-cost power, and bring the new life of irrigation to our thirsty uplands.

This we urge upon the Senate: Amendment of the river and harbor bill or the flood-control bill, or both, to substitute the President's M. V. A. proposal for every section of both acts that concerns the Missouri Valley.

The written compact made public by Senators OVERTON and O'MAHONEY is, in fact, a substitute for the Missouri Valley provisions of these bills. It is a substitute which would prolong indefinitely an impossible situation by which the river has many masters. If there is to be substitution, it should be the kind of substitution, the kind of amendment that will give this river one master, one plan, one destiny.

The President and a Democratic Congress have just received a mandate of approval for such progressive policies and public works as are typified by the M. V. A. idea. Moreover, that idea was endorsed during the campaign by the President and the Vice President-elect.

In view of this endorsement, how can Congress permit two Government agencies to sneak past it legislation which will vitiate or destroy a specific pledge to the people by the newly elected administration?

Mr. AIKEN. Mr. President, will the Senator yield to me?

Mr. BARKLEY. I yield.

Mr. AIKEN. I invite the Senator's attention to the wording of the amendment which was offered earlier in the day by the Senator from North Carolina [Mr. BAILEY], and approved by the Committee on Commerce. It reads in part as follows:

The sale of such electric power as may be generated at reservoir projects shall be made at the point of production, without special privilege or discrimination, so as to provide for the complete coordination of such power and energy with other power developments, both private and public, in the area contiguous with such projects. It shall be stipulated in connection with any sale that any and all savings realized by the purchasers shall be passed on under Federal regulation where no State regulation exists to the consuming public: *Provided*, That unless 90 percent of the firm power produced at such projects shall be demanded or purchased within 3 years after completion of construction of such projects, the Secretary of the Interior is authorized to construct transmission lines for the purpose of selling such power at wholesale.

I believe that the Senator can see that the amendment dovetails into the declaration of purpose which the committee adopted for the bill, and that with the declaration of purpose as contained in this amendment in the bill the effect would be to prevent the setting up of yardsticks in any area where yardsticks for the sale of electric power do not presently exist. It would prevent the expansion of the Tennessee Valley Authority to include the Cumberland River territory, or the setting up of new valley authorities. It would prevent the inauguration of public power distribution at almost any place where it does not exist at the present time, and it would also militate against the expansion of rural electrification cooperatives into sections where they do not presently exist. I think the amendment which has been offered by the Senator from North Carolina goes with the declaration of purposes to which I referred, and that it would have the effect which I have stated.

Mr. BURTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BURTON. Speaking as a member of the minority party on the subcommittee, I wish to endorse the provision under discussion. It seems to me that we have endeavored to do a limited thing. We have endeavored to make use of the existing facilities, and to meet questions presented to the committee. Obviously that would not in and of itself prohibit Congress from doing anything else in the future, and neither would the first paragraph of the bill put any limitations upon future Congresses. Furthermore, nothing can be found in the proposal which would prohibit the establishment of such authorities as the T. V. A., the M. V. A., or anything of that nature.

The reason for this first paragraph, as I see it, is this: We have done a good many things in the bill itself, but we have proceeded on the theory of making use of existing facilities. The first paragraph does not prohibit future Congresses, it does not prohibit executive agencies, from establishing new facilities, but it does expressly say that this act shall not be used and cited as authority for an Executive order establishing any kind of a new agency under the act, because here we have set out to do a thing with existing agencies. We do not prohibit Congress from doing something else; we do not prohibit executive authority from doing something else under some other authority, but we do not want this act cited by implication or otherwise as authority for new agencies. I think it is proper for that reason that the provision should be in the bill.

Mr. BARKLEY. If that be the purpose, would the Senator from Ohio and the Senator from Louisiana object to the insertion of a very small amendment, namely on page 1, line 5, after the word "improvements" to insert the words "provided for in this act", so that it would read:

It is the purpose of this act to establish a definite policy of making use of existing Federal agencies for the construction, operation, and maintenance of all public improvements provided for in this act in connection with navigation, flood control, and allied activities.

Mr. OVERTON. I would have no objection to the inclusion of those words.

Mr. BARKLEY. I offer that as an amendment.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. BARKLEY. I should like to have my amendment adopted.

Mr. McCLELLAN. I want to have the amendment stated again.

Mr. BARKLEY. The amendment I offer is on line 5, after the word "improvements" to insert the words "provided for in this act."

Mr. McCLELLAN. On what page?

Mr. BARKLEY. On page 1. It is an amendment to the committee amendment.

Mr. McCLELLAN. At what point does it come in?

Mr. BARKLEY. It comes in on line 5 after the word "improvements," next to the end of the line.

Mr. McCLELLAN. Very well.

Mr. OVERTON. So that the general declaration of policy would apply to projects provided for in this act.

Mr. BARKLEY. The policy is made applicable to projects carried in this act.

Mr. OVERTON. I do not think it would be applicable to any other projects.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky to the committee amendment.

Mr. McCLELLAN. Mr. President, in this connection I wish to say that section 1 now under discussion, which undertakes to formulate a policy, is the same as a section of a bill which I introduced in November 1943, in which I attempted to deal with development of the Arkansas and White River Basins. I believe section 1 of the pending bill is a verbatim copy of the first section of the bill which I introduced for that purpose. My thought in trying to coordinate the development of the lower Arkansas and White River Basins was to establish a definite policy, a legislative policy, with respect to the construction and operation of all the projects which might be authorized on those streams. I had in mind, of course, to deal with those basins separately, but the Commerce Committee, after considering my bill at the time they considered this flood-control bill, did not report it, but merely took this section and some other provisions of it and incorporated them in the pending flood-control bill. I thought, and I still believe, that it is advisable for the Congress to establish an over-all policy dealing with all our river and waterway developments. In other words, if this would be a good policy or a good program for the White and Arkansas River Valleys, probably it would be a good policy in connection with improvements in other valleys throughout the Nation.

However, if we are going finally to proceed under a policy and program of establishing separate authorities for each valley, then, of course, this policy would probably not fit into that scheme. Until, however, we determine and enter upon the course of developing our waterways by the creation of separate authorities for each particular drainage area, I think it is well and advisable and necessary that the Congress itself establish a policy which shall be pursued until that time. I rather favor the policy expressed in the pending flood-control bill and in the bill which I introduced dealing with the White and Arkansas River Valleys, rather than the establishment of separate authorities.

Mr. President, I believe that everything we need to accomplish can be accomplished by the utilization of existing agencies of Government without having to create a new authority for each drainage basin. There are certain functions of different agencies already established by the Congress which are indispensable to the development of the Nation's streams and their proper utilization, and legislation that declares and formulates a policy such as the pending flood-control bill does in section 1, and as was proposed in the bill which I introduced dealing with the White and Arkansas River



Basins, will enable and permit the development of these waterways.

Another reason, Mr. President, why I think that such a policy is sound is that I believe that the supervision of navigation on our navigable streams should remain under the War Department and under the supervision of the Chief of Army Engineers. It is further my judgment, Mr. President, that all projects on navigable streams, on all streams where flood control is a vital problem, should be constructed with a view to controlling floods and in aid of navigation. Those ought to be the primary purposes of the construction. Particularly is that true in the lower valleys of the White and Arkansas Rivers. I realize that upon the upper stretches of the streams the great problem possibly of the people living there is to get water for irrigation purposes; but there is no conflict of interest between the people on the upper stretches of the streams who require water or who need to utilize the water that can be made available for irrigation purposes, and the people downstream, because the interest of those living downstream is to try to control the floods, and certainly the water that is stored in the reservoirs on the upper stretches tends to relieve our burden and problem in the lower valleys. I believe, except for the projects which might be constructed on the upper stretches of the streams primarily for irrigation purposes so as to impound water for that use, that all projects constructed in the lower valleys should be constructed primarily to control the floods, and then for the secondary purpose of generating power.

It matters not, Mr. President, how much cheap power we are able to generate and give to the people in a valley by the construction and operation of a dam, if we do not give them protection from devastating floods we can easily see all the fruits and benefits which come to any section from cheap power washed away and lost when the floods come. The dams ought to be constructed primarily for the purpose of flood control and navigation and secondarily for the purpose of generating power.

I subscribe wholeheartedly to the policy set forth in the flood-control bill, especially in section 1 thereof.

Mr. MILLIKIN. Mr. President, I should like to ask the senior Senator from Louisiana a question. With reference to the provision of the bill which is now being discussed, the Senator from Wyoming [Mr. O'MAHONEY] and a large group of Senators have proposed amendments which include what might be a supplemental statement of policy, and I am going to ask that this matter go over until the Senator from Wyoming can be present, and perhaps some agreement can be reached as to the other statement of policy.

Mr. OVERTON. Of course, I should be very glad to accommodate the Senator, but I should like to make some progress. I do not think the amendments which the Senator from Wyoming has in mind affect the matter before us at all. They do not relate to it.

Mr. MILLIKIN. I do not believe they conflict.

Mr. OVERTON. He does not undertake to amend the committee amendment.

Mr. MILLIKIN. No, but there is a statement of policy to be included at an appropriate place, which, if included at an appropriate place, might supplement the committee's statement of policy.

Mr. OVERTON. Let us pass on the pending amendment, and when the Senator from Wyoming presents his amendment, we will act on it.

Mr. MILLIKIN. If I am not losing any parliamentary position—

Mr. OVERTON. Not at all.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. BARKLEY] to the committee amendment.

Mr. MURRAY. Mr. President, I should like to make an inquiry with reference to the first section. I cannot understand the necessity for this language in the bill at all if it is not designed to create the notion in the country that the enactment of the language would preclude the possibility of a program like the T. V. A. program for the various river basins of the country. I cannot see any other purpose, because we have been enacting this character of legislation annually without provisions of this character.

Mr. OVERTON. I think the Senator is in error. We have had provisions in pari materia, not in the exact language.

Mr. MURRAY. This is an attempt through the language employed to create the idea that this will provide for a realization of other benefits to be derived from such projects. Such language was never included in any previous measures which have been enacted, and the sole and only purpose of it can be to create the impression that there is no need for a unified program of development of the various river basins such as was provided under the T. V. A., or under similar authorities which might be created in other sections of the country. It is not relevant to the bill at all except for the purpose of establishing a legislative or moral precedent that this legislation concludes the subject, and makes it unnecessary for the Congress again to consider the proposition of a unified development of these river basins. It is proposed that it can all be done under the arrangement set forth here.

Mr. BARKLEY. I may say to the Senator from Montana that the amendment which I offered a moment ago, I think, takes care of the situation by limiting this declaration of policy to the projects carried in the bill. That was my purpose in offering it, and I understand there was no objection to it.

Mr. MURRAY. I cannot understand why it is necessary to have such provisions in the bill in any form.

Mr. BARKLEY. I argued that here at some length a while ago. I expressed myself as having no objection to having a declaration of policy in regard to the projects carried in the bill. My objection was to the interpretation placed upon the language by those who feared it was an effort to place some moral restrictions upon Congress, although Congress

could not be legally restrained as to what it might do in the future. For that purpose I offered the amendment, and to it there is no objection. I thought it had been agreed to, but I am informed it has not yet been agreed to.

Mr. MURRAY. For my part, I do not see the need for this language in the bill at all, and it has only one purpose, that is, to attempt to preclude the country from having developments such as the T. V. A. in the various river basins of the country.

Mr. OVERTON. Does the Senator contend that such a provision would be very effective in hereafter and forever preventing all these developments?

Mr. MURRAY. No, but it is designed to give an approval of the programs which have been carried out thus far, and which have failed to accomplish any material results. It has been piecemeal legislation. I find, too, that many of the Members of Congress who serve on the committees which control this kind of legislation go before the people of their various States claiming that they have special advantages because of their positions on these committees, and they claim they get projects for their sections of the country while other sections of the country are unable to get them.

Mr. OVERTON. I hope the Senator is not referring to the chairman of the subcommittee, to the Senator in charge of the bill, who is myself, because if he looks at the bill he will see that there is scarcely anything in it for Louisiana, as compared with other States.

Mr. MURRAY. I am not referring to the Senator from Louisiana.

Mr. OVERTON. The Senator was looking me squarely in the eye when he was making the statement.

Mr. MURRAY. I could not look in any other direction. I could not look at the floor. I like to look at the distinguished Senator from Louisiana when I am talking to him. But it seems to me that the record of the Congress in handling these matters over the years has shown a failure. The efforts have been piecemeal efforts to remedy the conditions, and have failed to bring about any real development of the resources or expansion of industry in the various river basins of the country. The only way that can be accomplished is by an authority such as was set up under the T. V. A. That would then give us a unified development of an entire basin, would give us not only a program for flood control and for irrigation and power, but would also give us an opportunity to develop the natural resources of the sections of the country involved. This is going to be especially important in the post-war period, when it becomes necessary for us to bring about a huge expansion of industry in this country, and to provide homes for thousands of new settlers in the western section of the Nation, where these projects can be carried out.

It seems to me this language should be entirely eliminated from the bill so as to prevent any notion that the Congress is approving the record that has been made in carrying out these projects in various sections of the country.

I am opposed to this first section in its entirety.

Mr. CLARK of Missouri. Mr. President, I intend to vote against the amendment of the Senator from Kentucky, although I do not intend to make a fight about it, because I do not think it amounts to anything.

The language of the committee amendment, of course, does not attempt to bind any future Congress. Everyone who knows anything knows that one Congress cannot bind another, and that a Congress today cannot bind its own action a week later. I shall vote against the amendment because it is simply intended to curry favor with a couple of editorial writers on the St. Louis Post-Dispatch and the St. Louis Star-Times. Mr. Ralph Coghlan, principal editorial writer on the Post-Dispatch, a few months ago happened to read Dave Lillenthal's book on the Tennessee Valley Authority, and he immediately committed the Post-Dispatch to a very enthusiastic program for a Missouri Valley Authority. He had previously committed the Post-Dispatch in the strongest terms in opposition to the President's foreign policy before Pearl Harbor and then did a complete about face on the return from Canada of Mr. Joseph Pulitzer, the owner of the paper. The last time I saw Coghlan was at a dinner given Colonel Lindbergh on the occasion of his speaking in St. Louis. Shortly after that, I understand, in some manner Mrs. Coghlan, Ralph Coghlan's wife, who was also an editorial writer on the Post-Dispatch, was permitted to fly over the T. V. A. in a Government plane and at public expense, and they began to write articles about the T. V. A., and to suggest that the vast Missouri River Valley should be subjected to the same treatment the Tennessee Valley had received.

Of course the St. Louis Post-Dispatch is a piratical craft, but it is a man o' war. The St. Louis Star-Times always comes in a couple of weeks later as a rowboat in the wake of the piratical craft of the Post-Dispatch. If you want to know what will be in the Star-Times tomorrow all you have to do is to read the Post-Dispatch of 2 weeks ago. So, of course, shortly after Mr. Coghlan had written his editorial, and his wife had flown over the Tennessee Valley in a Government plane, the Star-Times came along to the same effect.

Mr. Coghlan is the fellow who raised the question as to whether we were attempting to bind a future Congress, which, if he had been a lawyer he would have known would have been impossible to happen. The Senator from Kentucky, able lawyer and jurist that he is, certainly knows that. This amendment is simply, in my opinion, a cheap catering to two cheap editorial writers on the St. Louis Post-Dispatch and the St. Louis Star-Times, and for that reason, while I have no objection to it and know that it is entirely innocuous and does not in the slightest degree change the effect of the committee amendment, I intend to vote against it. It is only an exception without meaning of an obvious constitutional fact that one Congress cannot bind another one.

Mr. BARKLEY. Mr. President, I wish simply to state in reply to the Senator from Missouri that it is a matter of indifference to me as to how cheap he thinks my performance may be here in offering the amendment. Long before I ever heard of any amendment or any editorial in the St. Louis Post-Dispatch, I was opposed to the Congress attempting to create the impression that it was holding out the hope that it might bind future Congresses by the continuation of a policy which ought to be limited to a provision carried in a bill.

Mr. CLARK of Missouri. Mr. President, if the Senator will permit me, the Senator has supported many measures on this floor which, without attempting to bind any future Congresses, declared a policy of Congress for the guidance of executive bureaus which would be in effect until such a time as the Congress saw fit to change the policy. That is all this amendment attempts to do.

Mr. BARKLEY. I do not claim to be as profound a constitutional lawyer as the Senator from Missouri.

Mr. CLARK of Missouri. The Senator from Kentucky is an able constitutional lawyer.

Mr. BARKLEY. But even I know that one Congress cannot bind another Congress. I know that one Congress ought not to create the impression that it is trying to bind another Congress. That is what my amendment tries to save this proposal from.

Mr. CLARK of Missouri. Then I think we ought to write into the bill an amendment that we should not abolish the Presidency or the House of Representatives or any other constitutional function.

Mr. BARKLEY. Of course, the Senator can carry the suggestion for amendment ad nauseam and ad libitum and ad infinitum if he wishes to.

Mr. CLARK of Missouri. It seems to me no example I could give could be more ridiculous.

Mr. BARKLEY. The amendment I offer is no more ridiculous than the effort made by the bill to create the impression that we are trying to settle the policy of Congress for all time.

Mr. CLARK of Missouri. Of course, that is not intended to be done.

Mr. BARKLEY. I am not so certain that the language here is not an attempt to settle a permanent policy on the part of Congress, otherwise why did not the committee write in the language that is now agreed to by the committee; that it shall only have effect upon the projects carried in this bill?

Mr. CLARK of Missouri. Mr. President, I have seen the Senator from Kentucky on at least 40 different occasions since the present administration came into power in 1932, stand on this floor and defend declarations of policy much more binding and much more stringent than anything proposed in this bill. It just so happens that the Senator has read the editorial in the St. Louis Post-Dispatch, which he has just put into the Record, and was actuated to offer this amendment.

Mr. BARKLEY. I do not know anything about the motives which inspired

the editorial carried in the St. Louis Post-Dispatch. I do not know whether the editorial was a cheap one, or whether the editors are cheap editors. I do not know anything about the character of the people who write these editorials. I do not have the honor or privilege of their acquaintance. But long before I ever saw this editorial, in connection with legislation of this kind dealing with rivers and harbors and the permanent improvement of our resources, I objected to one Congress attempting to bind another Congress by a declaration of policy, or, even though it could not do it, at least endeavor to have some moral effect upon the succeeding Congress.

Mr. CLARK of Missouri. Did the Senator protest against the declaration of policy which was the preamble to the act creating the P. W. A.?

Mr. BARKLEY. No; I do not suppose I did, and it would not have anything to do with the matter now before us whether I did or did not.

Mr. CLARK of Missouri. Very well. The Senator has defended on this floor many declarations of policy by Congress.

Mr. BARKLEY. That was a declaration of policy dealing with a temporary unemployment condition, and we did undertake to establish a policy and declare a policy of giving men work in a great depression. That is quite a different thing from trying to bind future Congresses with respect to the permanent improvement of our natural resources.

Mr. McCLELLAN. Mr. President, since the section of the bill now under discussion was taken from a bill which I introduced dealing with the Arkansas and White River Basins in which the same identical policy was set out, I want the record to show that I am opposed to the amendment offered by the senior Senator from Kentucky. Of course, there is no attempt here to do the impossible. We all know, and it is agreed by everyone, that the action taken here today in this legislation cannot bind a future Congress. But I submit that if this is a good policy for the pending bill and the projects which are authorized therein, if it is good for these projects and for this measure, then it is good for all projects heretofore authorized by the Congress with reference to which no previous legislative policy has been established.

Mr. PEPPER. Mr. President—

The ACTING PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Florida?

Mr. McCLELLAN. I yield.

Mr. PEPPER. In view of the fact that the Senator was apparently the author of the prototype of this amendment, I should like to know what in the mind of the author is the intention or implication of this language. In what respect does it change the policy which we have followed in the past?

Mr. McCLELLAN. Mr. President, in answer to the Senator from Florida I will say that when I drafted the bill from which this section was taken I was not undertaking to formulate or to establish a policy for the Nation as such. I was dealing primarily with river basins that my people are vitally interested in, and in



the absence of a valley authority having been established to deal with the project in those river basins, the White and Arkansas, in order to coordinate the different projects that are now being constructed in those valleys, and those that have heretofore been authorized, and such as may be hereafter authorized, I was trying to establish a definite policy with respect to those projects in those two river basins. I was not undertaking to fix one for the Nation. I do think it would be good until such time as the Congress may decide that it prefers to proceed by the establishment of separate authorities for each drainage basin. In other words, as I understand it now we have no definite fixed policy in many respects. For instance, take the power generated on dams in my section—and we have one just about completed now, the Norfolk Dam. There is no authority, there is no policy, with reference to that power except a directive or an Executive order from the President which deals with it during the emergency period only. When that power becomes available the Southwest Power Authority, which has jurisdiction of it by reason of the Executive order, is unable to make contracts for the power or make any disposition of it for a period of time beyond 6 months after the end of the war. And therefore looking to the development of our waterways I was undertaking, when I drafted the bill, to fix a policy by legislation under which we could operate which would enable those in authority to act, and in the bill which I introduced I placed the power under the Secretary of the Interior for his disposal just as the President had done by Executive order. But it would enable them to make contracts beyond the end of the war. In the absence of a legislative policy, I undertook to deal with the question of fixing a policy by legislation until such time as the Congress, if it should ever wish to change it, might make a change. Apparently the Commerce Committee simply took that section of the bill which I had introduced for the White and Arkansas River Valleys and incorporated it in this general flood control bill, to serve as a declaration of policy until such time as Congress might wish to legislate further.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. PEPPER. As I understand, the language was intended to mean only that the policy of universality should apply until Congress might decide to set up a governing authority for a particular area.

Mr. McCLELLAN. Absolutely. In other words, it is an interim provision. If Congress should finally enter upon the program of establishing regional authorities or valley authorities as a general program for the development of our waterways, when such authorities are established these policies would be abrogated, or merged into the new procedure.

Mr. CHANDLER. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Kentucky?

Mr. McCLELLAN. I yield.

Mr. CHANDLER. As I read the declaration in the bill, it simply states that it is the purpose of the act to establish a definite policy of making use of existing Federal agencies for the construction and operation of such works. In the future would not anyone undertaking to establish some authority be faced directly with an expressed intention of Congress, unless it were changed, to the effect that it is the purpose to be guided by this provision until some Congress changes it?

Mr. McCLELLAN. That is correct.

Mr. CHANDLER. In the future, if the Senator from Montana [Mr. MURRAY], for example, should wish to establish a Missouri Valley Authority, he would be faced with the declaration of this Congress that it wishes to handle the program through existing agencies. He might be able to overcome that handicap, but the burden would be distinctly upon him.

I do not know what will happen to the amendment offered by my colleague; but if that is the burden which is to be imposed upon anyone in the future—and I so conceive it—I intend at the proper time to move to strike the entire section, because it is meaningless. We all agree that we cannot even bind this Congress for the remainder of the session. We cannot bind the next Congress. I do not intend to be a party to trying to bind this Congress or any future Congress. I do not wish to place a burden upon anyone who may in the future wish to establish some authority.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. MURRAY. The Senator from Kentucky [Mr. CHANDLER] states exactly the position which I sought to state a few moments ago. There should be no need for such a provision in this bill, unless it is intended to declare a policy which is to affect the development of river basins in the future. The record in the case shows that such policies have been a failure in the past and will continue to be a failure in the future. I do not need to depend upon newspapers from St. Louis to tell me that. We know it from our actual experience in the West. I know that during all the years while this work has been going on, the results which have been accomplished have been very poor.

I have before me an editorial from the New York Times, which I should like to submit for the RECORD at this point in my statement. It indicates the great need for unified development of river basins, and the possibilities which might flow from such development. I ask unanimous consent that an editorial entitled "Future of the Northwest" published in the New York Times of July 16, 1944, be printed in the RECORD at this point as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### FUTURE OF THE NORTHWEST

Like the rest of the country, the Pacific Northwest is booming, and it is booming, for one reason, because of Columbia River elec-

tric power. The region has one-third of the Nation's aluminum capacity. It is producing magnesium, ferro-alloys, calcium carbide, chlorates, metallurgical coke, zinc, copper, mercury, tungsten, antimony. Much lumber comes from its forests, and much grain and fruit from its farms and ranches. But the development is lopsided because it has thus far met the exigencies of war primarily. No region in the country has such a varied climate and such an agricultural and industrial future. If the most is to be made of such possibilities, if the expected post-war slump is to be largely averted, an entirely new administrative structure is needed—a structure clothed with such authority that it will not merely supply electric energy to factories and homes but help knit the Pacific Northwest into an economic fabric in accordance with far-reaching plans already laid.

An example of what can be done is presented by the Tennessee Valley Authority, which has such broad powers that it can carry out a flood-control program, aid navigation, distribute power to factories and households, develop parks for recreation, conserve soil, reclaim land, and engage in about any other activity that does not properly belong to private enterprise. In the Columbia Valley, by contrast, half a dozen separate agencies and bureaus are trying to perform a similar task. Some, like the Bonneville Administration and the Reclamation Service, are part of the Department of the Interior; some fall in the jurisdiction of the Departments of War and Agriculture; others are State bodies.

The Pacific Northwest has resources far richer than those of the Tennessee Valley. Its industrial and agricultural activities are not sufficiently diversified and may decline after the war. Its population is relatively smaller to the square mile than that of the Tennessee Valley and anything but permanent in these war days. Markets are not near at hand. There is no difficulty about selling Columbia River power. The question is how it can be sold to the greatest advantage to selected industries and to farmers who must learn what the region needs. For all these reasons the Bonneville Administration should have the corporation form of administration which has been so successful in the Tennessee Valley, so that it may change its policies to meet new social needs. It should conduct more practical research to make the most of land, water, mineral resources, and forests.

This does not mean that States and local communities must relinquish all their rights, but it does mean that they will have to give up claims for individual consideration. As it is, the Bonneville Administration has the necessary leaders, but they are hampered because they must take orders from Washington and at the same time yield to local ambition. This is the time to reorganize the administration now charged with making the most of Columbia River power. If Congress waits until the war is over and the workers in the shipyards and industrial plants migrate, years may elapse before the Pacific Northwest can march forward with the certainty of reaching its goal.

Mr. MURRAY. I also ask that, following my remarks, there be printed in the RECORD a brief summary of a statement which I have prepared.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

#### THE OMAHA AGREEMENT OF THE ARMY ENGINEERS AND THE BUREAU OF RECLAMATION

The so-called Omaha agreement between the Bureau of Reclamation and the Army engineers is strictly an engineering agreement providing the basis for comprehensive and integrated development of the Missouri River system only as regards structures to be

built and the capacity of the reservoirs, thereby reconciling the differences between the Army's plan and the Bureau's plan. This agreement resulted from demands of the Congress, the Bureau of the Budget in behalf of the President, and the State Governors' resolutions for presentation of an agreed plan after the Bureau of Reclamation had opposed the authorization of the so-called Pick plan of the Army engineers which the Bureau said would foreclose certain phases of beneficial development of the valley. The basis of the engineering agreement, which has been called the Omaha agreement, is that upstream structures assure certain use of the waters for irrigation and power and that a certain amount of reservoir space provide for protection against flood control and a certain amount of water be available for downstream navigation.

Close observers have noted that the Army's willingness to consider such a compromise increased after opposition by the Bureau of Reclamation before the Senate to the Pick plan and increased again to such a point that a compromise was possible following the introduction of the Murray bill for the establishment of a Missouri Valley Authority and similar bills which were given wide support. The President's message endorsing the principle of an authority for the basin preceded the Omaha agreement by only a few weeks.

#### DOES NOT FORECLOSE THE MISSOURI VALLEY AUTHORITY

The so-called Omaha agreement does not foreclose the establishment of a Missouri Valley Authority nor does it solve a great number of questions which might be solved by such an authority. While the Omaha agreement provides for comprehensive development of the river system in its entirety, it gives consideration largely to irrigation, power, flood control, and navigation principally. It does not, of course, provide for a singly unified administration of the comprehensive development. The Bureau of Reclamation is on record in testimony before the Senate Commerce Committee and in public statements to the effect that this plan in no way forecloses a single agency administering the development of the whole river. The agreement, however, is intended to end or reduce conflict between the various multiple interests of the Department of the Interior in the valley and the flood-control and navigation interests of the War Department. It is believed that the development contemplated in the so-called Omaha agreement would be a necessary part, but not all, of any development undertaken were the Congress to provide a single authority to administer the resources of the valley.

#### PENDING RIVERS AND HARBORS AND FLOOD-CONTROL BILLS

There are pending before the Senate omnibus rivers and harbors and flood-control bills. Both of these measures embrace a wide variety of development in no way related to the Missouri Valley, as well as certain items that are related to the valley. These two measures are objectionable on several scores to the Department of the Interior and the Bureau of Reclamation both as to the Missouri River items and the other items. Broadly speaking, the Department of the Interior does not think that they provide for and protect fully the programs of orderly, integrated resource development with which the Department is concerned. Included in the non-Missouri Valley items in both these twin measures on flood control and rivers and harbors are a number of developments in various other areas for which the President has indicated a desire for authority bills to provide for unified basin-wide administration. It is the opinion of the Department of the Interior and the Bureau of Reclamation that more adequate consideration to the needs of the affected areas can be given by

the Congress if action on these omnibus measures is deferred until the new Congress is in session.

Mr. McCLELLAN. Mr. President, in answer to both the Senator from Kentucky and the Senator from Montana, let me say that certainly until some legislation of this character is enacted, we shall be proceeding with the authorization and construction of many valuable projects without a declaration of policy by law. Our policy at present is being fixed by Executive order. As the Senator from Montana says, that is a pretty weak way to do it. Possibly we are not getting the maximum results. Possibly valley authorities would be a better method of procedure. I do not know. But certainly until such time as the Congress acts and creates the authorities, there ought to be a legislative policy with respect to the procedure. This may be a weak policy, but certainly we have none now established by the Congress. Therefore we ought to act so as to take care of the interim period. Then if we find that this policy is not adequate, and the Congress wishes to change it, I do not see that any burden would be placed upon any one in changing the policy as we develop the authority program, if that is the way we later decide to pursue the development. If we decide that that is the better course to attain our objectives, namely, the development and utilization of our water resources, it can be done without any violence whatever. The proposed policy would do no violence to the suggested program, so long as the authorities are not in existence.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. CLARK of Missouri. It seems to me that in this debate it has been overlooked to a very large extent that this is a flood-control bill, not a navigation bill, not a river and harbor bill, not a power bill. It is a flood-control bill; and the question of flood control, not in Montana, but in the lower region of the Missouri River and of the Mississippi River, is the most acute problem we have to face. It seems to me that it is completely overlooked that the whole theory of Federal responsibility and Federal action in flood control is of comparatively recent origin. It was only after the great floods of 1928 and 1929 that Federal responsibility for flood control was ever assumed, and then only as to the main stem of the Mississippi River, Lake Okeechobee in Florida, and the Sacramento River in California. It has only been since I have been a Member of the Senate, and since the Senator from Louisiana, who is in charge of the bill, has been a Member of the Senate, that there has been established the principle of Federal responsibility for flood control on the tributaries as well as the main stems of the great rivers. That has necessarily been a piecemeal business. We have made an advance from one stage to another. Therefore, it has been largely a matter of specific authorizations by Congress in each particular bill, and

a very large measure of discretion has been left to Government agencies.

The pending committee amendment, adopted from the bill of the Senator from Arkansas, represents nothing more than an effort to formulate a general policy as the policy to be pursued by executive agencies in progressive flood-control measures, until such time as the Congress may see fit to change the policy. If the Congress wishes to establish a Missouri Valley Authority, which I think is preposterous, there is nothing to prevent Congress from doing so. But until Congress sees fit to do so, all that it is proposed to do by this amendment, which is adopted from the measure introduced by the Senator from Arkansas, is to establish a general rule for guidance in matters of flood control, in a field which has only recently, within the service of a great many Members of the Senate, been assumed by the Federal Government.

Mr. McCLELLAN. Mr. President, the Senator from Missouri has well stated the position of the proponents of the amendment. The thing which prompted me to introduce such a measure was the fact that the development of the Arkansas and the White River Valleys was then and is now under way. Projects are under construction, and others are authorized, awaiting the end of the war, when materials can be made available. We are proceeding with this construction without a definite legislative policy.

There should be something to guide us, something to point out what our objectives are, and to point out the manner in which we intend to achieve them.

Now I yield to the Senator from Ohio.

Mr. BURTON. Mr. President, sometime earlier this afternoon, before a number of the Senators who now are discussing the matter were in the Chamber, a statement was made on behalf of the subcommittee by both the chairman of the subcommittee and myself as a member of it. That statement emphasized the point which the Senator from Arkansas is now making. The Senator from Arkansas introduced a statement of policy in his bill. That statement of policy, which fitted well into the general bill, has been incorporated in the pending bill.

To this statement of policy I understand that the Senator from Kentucky [Mr. BARKLEY] is requesting the adoption of an amendment providing merely for the insertion of the words "provided for in this act." This is to make the section refer expressly and only to the improvements provided for in this act. It seems to me that what he has in mind is that, first of all, the Congress cannot now establish a policy which will bind future Congresses, and that, furthermore, this bill does not prohibit the setting up of new agencies. The bill does, however, contain a statement that we wish to make all necessary improvements in America, with the least possible waste of mechanics of government in doing so.

In the pending bill we have attempted to give an illustration of how to accomplish a considerable amount of our objective with existing agencies. We do not wish to have the bill used or cited in an



executive decree or executive order or in any kind of directive as authority for the establishment of a new authority to manage the things which we have said can be managed by existing authorities as provided for in the bill.

Therefore, I think it is important for us to emphasize the fact that we think the work can be done by existing agencies, that we so declare, and that we do not leave the bill as merely authorizing independent projects under no general policy. We should declare that it is our policy to use and coordinate the existing agencies. Such a declaration will make it impossible for this bill to be cited as authority for doing such things in some other way. If the Congress later desires to have the work done in some other way, that will be all right. I think the pending bill is an example of how to do it under existing authority, and I think it highly important to make that statement of policy in the opening paragraph of the bill.

Mr. McCLELLAN. By doing so, Congress would retain the power of saying how it should be done.

Mr. President, with respect to the amendment of the Senator from Kentucky, let me say that his amendment would simply restrict the application of this policy to the projects authorized under the pending bill. In the pending bill we are authorizing projects on streams which are more or less interrelated to other projects already authorized. It seems to me that no legislative policy along that line has been declared as to them at all. They are subject to any sort of Executive order with reference to policy or other matters. But if we adopt the amendment proposed by the Senator from Kentucky, we say that this policy will apply only to the projects covered under the pending bill. And with respect to other projects heretofore authorized on the same streams, there is no legislative policy as to them. Therefore, it seems to me that either the whole committee amendment should be stricken from the bill—I say that in all sincerity—or it should be retained and adopted just as it is, whichever the Congress wishes to do. If we strike out all of it, then we have no legislative policy, and will continue to proceed as heretofore without any adequate legislative policy or direction. If we retain the committee amendment, then Congress has fixed the policy which will control until such time as it may be changed.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield first to the Senator from Montana, who has been on his feet for some time.

Mr. WHEELER. Mr. President, I wish to call attention to the fact that the Senator from Missouri stated a moment ago that the pending bill is a flood-control bill. While it is true that it is a flood-control bill, we must bear in mind that its provisions reach much further than do the provisions of a mere flood-control bill, because in the pending bill an effort is made to lay down a policy not only as to flood control but with respect to the development of power, the sale of

power, irrigation, and reclamation. While it is true that the next Congress or even the present Congress can change such a policy, in that connection I have a distinct recollection regarding legislation which developed with reference to the Fort Peck Dam. Because of the fact that the War Department desired to have a certain amendment adopted, and it was adopted, I was confronted with the proposition that a policy with reference to the Fort Peck Dam had been laid down by the War Department, even though it was never intended as a policy of the administration when the legislation was enacted. But that was constantly thrown in my teeth by the Senator from Louisiana and the Senator from Missouri—

Mr. OVERTON. Oh, no, Mr. President; the Senator is in error about that.

Mr. WHEELER. I do not think I am in error about it.

Mr. OVERTON. I will make my statement later, but I should like to say now that what I said to the Senator was that the undertaking was authorized as a navigation and irrigation project. That is what I said, and that is all I said. I did not say that future Congresses could not change it.

Mr. WHEELER. Of course, the Senator did not say so.

Mr. OVERTON. Certainly I did not. The Senator from Montana took the position that the undertaking was an irrigation project.

Mr. WHEELER. Oh, no, Mr. President; the Senator is entirely mistaken about that. I did not take the position that it was an irrigation project.

Mr. OVERTON. I so understood.

Mr. WHEELER. I took the position that it was a flood-control, navigation, and irrigation project.

Mr. OVERTON. Yes; but the Senator said that irrigation was transcendental.

Mr. WHEELER. Oh, no; the Senator is mistaken.

Mr. OVERTON. Very well. Then we are both agreed that it was a navigation project. And that is what it is today.

Mr. WHEELER. That is correct—navigation, irrigation, and flood control.

Mr. OVERTON. And power.

Mr. WHEELER. There can be no question about that now. It so happens that I was the Senator who talked first to the President about it, and I know what was in his mind.

Mr. OVERTON. I do not know what the President said, but I know what Congress said when it authorized it.

Mr. WHEELER. But that was after the project had been started. It had been started and projected under the Public Works Administration. Then, after it had been commenced, in order to obtain a further appropriation, in addition to the W. P. A. funds, to be used to complete it, the amendment to which I have referred was suggested. It never for 1 second occurred to me or to anyone else that the amendment would be cited as a declaration of policy, and that the statement would be made that the project was merely for flood control or for navigation, as the Senator and as members of his committee have contended.

Mr. OVERTON. Mr. President, the Senator is in error. Neither the War Department nor I so contended.

Mr. CLARK of Missouri. Mr. President, will the Senator yield to me?

Mr. WHEELER. Mr. President, I think I have the floor; the Senator from Arkansas yielded to me.

Mr. OVERTON. Mr. President, as I just said, neither the War Department nor I ever made such a contention. He said it was for all those purposes. That testimony is contained in the hearings.

Mr. WHEELER. I also call attention to the fact that a policy for reclamation, a policy for power, and a policy for the sale of power are being inserted in the pending bill. It provides specifically that power which happens to be generated at such projects cannot be sold except at wholesale. It can be sold at wholesale. A reclamation project can grow out of this project, provided the Secretary of War—

Mr. McCLELLAN. Mr. President, that provision is in another section of the bill. It is not contained in this section of the bill.

Mr. WHEELER. Yes; but that is the policy which is being laid down in the bill. If the project can be used for irrigation and reclamation, the Secretary of the Interior will be able to go to the Secretary of War, with his hat in his hand, and if the Secretary of War says that the project can be used for irrigation and that it is proper for irrigation, then it will be agreed that some of the water can be used for irrigation and reclamation, provided, of course, that they come back to Congress, and provided, of course, that the persons concerned can afford to pay for it, and provided, of course, something else.

I submit that when we lay down a policy of that kind, everyone who comes to Congress in the future with an application for a reclamation project or for some similar project will be confronted with this policy, as laid down by the Congress of the United States, and will be told that this is the definite policy which should be followed.

I am interested in flood control projects being favorably considered, because floods occur in my State. Perhaps they are not so devastating as the floods which occur in Missouri, but, nevertheless, we have had some devastating floods in Montana. When, however, it is proposed to regulate irrigation, navigation, and reclamation in Montana, I am opposed to that being done without at least certain restrictions. I am interested in navigation, and I have helped in every way in which I could in the promotion of navigation, but I do not want those who are interested in navigation to come into my State and tell us how our reclamation is to be regulated, or how the sale of power is to be regulated. It seems to me that that is something which should not be laid down as a national policy in this kind of bill. It should be treated as a separate problem.

Mr. McCLELLAN. Mr. President, the Senator from Montana is far better informed than I with respect to reclamation and irrigation projects, and the need

of water and its uses in the State of Montana. Neither by the section under discussion nor by any other do I wish to do any violence to the State of Montana or any other State which needs and depends on irrigation projects. But with respect to a policy as to power, I believe that it should be the same throughout the Nation. I may be wrong about it. Today the power generated from the dams to which reference has been made is subject to Executive order. If we are to develop our waterways, I believe that the time has come for Congress to say what the policy is to be. If the policy is a wrong one, we should change it. But Congress should assume responsibility for it, and then we can move ahead and make progress.

Mr. WHEELER. Mr. President, I agree with the Senator from Arkansas. We should have a policy for power. It should not be left to the whim of any one of the executive branches of the Government. I am also in thorough accord with the suggestion that we should have a policy with reference to flood control, and that it should not be left to the whim of any executive department, whether it be the War Department, the Interior Department, or any other department. The same thing is true with regard to reclamation.

What I am objecting to, however, is the claim that we should establish a policy with reference to reclamation or power in a flood-control bill. It seems to me that sufficient opportunity is not given us to give the matter the consideration which some of us believe it should have.

I may be in error, and I hope the Senator from Louisiana will correct me if I am, but because of a speech which he made in Louisiana the people in the Northwest were certainly stirred up. He talked about certain uses of the waters which should come first, and stated that irrigation should come next.

Mr. OVERTON. Who said that? Was the Senator present?

Mr. WHEELER. When we come to the question of what is most important in this country—

Mr. OVERTON. Mr. President—

Mr. WHEELER. Allow me to finish my statement and then I will yield.

When we come to the question of what is most important for the masses of the people of this country, whether it be to allow a little more water to go down the Missouri River for the Standard Oil Co. and a few other big companies which operate and put the money in their pockets, or to furnish homes for the soldiers who will come back and need homes to live in, I shall want to discuss the problem at some length on the floor of the Senate.

Mr. McCLELLAN. I do not know whether the Senator meant any implication in his remark about the Standard Oil Co.

Mr. WHEELER. No. I read the testimony before the committee. This is what happened with reference to irrigation: When the Standard Oil Co. representative from Kentucky was testifying, he stated that the money which the company had made was not passed on to the consumer, but that it was put into the pockets of the company and never

passed on to the consumer in any instance. If the Senator will check up on the oil shipped up the Mississippi River, on the lumber which goes down the river, and on the cement which goes up, he will find that not a single solitary nickel or dime was passed on to the consuming public of this country.

Mr. McCLELLAN. The people of the State of Montana may need water for irrigation and agricultural purposes. In our State we have to keep the water off our lands. There is a line somewhere between Montana and Arkansas where our rights will not conflict, and where the people of the State of Montana may have irrigation and we of Arkansas may restrain the flood waters. That is what I hope to see done. I want to see dams built primarily for flood control. I am speaking of projects farther down the stream. I am sure they would not conflict in any way with the program which the Senator desires to see adopted for his State.

The Senator representing Montana, and I, in my humble effort to represent Arkansas, should have sufficient intelligence to get together on this matter and quit quarreling about it. The Senate should be able to establish a national policy which will enable us to construct the proposed projects, and build up our country.

Mr. WHEELER. I agree with the Senator from Arkansas.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. CLARK of Missouri. I agree entirely with what the Senator from Arkansas has said. But in view of what the Senator from Montana has said about the character of the pending bill, I wish to call attention to the fact that the bill originally started as a strictly flood-control measure, and that the whole question of irrigation and reclamation was injected into the measure entirely improperly and irrelevantly, in my opinion, by an amendment introduced by the Senator from Wyoming [Mr. O'MAHONEY], joined in by numerous Senators from other irrigation States. They undertook to establish an absolute priority in futurity, not only as to the use of water for existing irrigation projects, but in all futurity for any project which they might devise, including one which would extend into Canada and divert water from the Missouri Basin into an entirely different watershed.

The controversy concerning that matter was waged not by the people who are interested in flood control, but by Senators who went before the committee, sat with the committee, and, through the courtesy of the committee, proceeded to examine, cross-examine, and browbeat witnesses when they could do so. They were not interested in the slightest degree in flood control, but were interested in establishing a priority for all the future with regard to all water which might fall on the Missouri watershed.

Mr. President, I believe it is unfair for the Senator from Montana, who is my very dear friend, to say at this time that the bill is not a strictly flood-con-

trol bill because the provisions which have to do with anything else than flood control were not inserted by those who were interested in flood control, but were inserted in the committee in an effort to compromise with and satisfy the people who are interested in power, irrigation, reclamation, and other subjects.

This controversy originally took place, not on the flood-control bill, but on the river and harbor bill, where it certainly had no place whatever. I repeat, those who were interested in navigation and those who were interested in flood control were not responsible for injecting extraneous issues into those two measures.

Mr. BARKLEY. Mr. President—

Mr. McCLELLAN. I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, awhile ago I asked the Senator to yield to me merely to call attention to the fact that Congress has not been devoid of a policy with respect to the improvement of rivers and harbors, nor as to flood control. There has not been a river and harbor bill passed, as I recall, certainly since I have been a Member of Congress, which did not carry the specific provision that the improvements carried in the bill should be handled by the Secretary of War through the Chief of Engineers. That has always been the policy of Congress, that river and harbor improvements should be carried on through the Corps of Engineers.

The Flood Control Act of 1936 enunciated the policy that the improvements for flood control should be under the direction of the Secretary of War, through the Chief of Engineers, subject to the right of the President to allocate priorities for emergency flood-control projects. In other words, he had the right, under the act of 1936, to designate which projects he thought were most emergent, because they could not all be carried on at the same time, they could not be begun at the same time. But we have had that policy with respect to flood control, and that is still the law, and it is still the law and we had the same policy with respect to the improvement of rivers and harbors. Therefore I do not agree with the observation of the Senator from Arkansas that we have never had any policy with regard to these improvements. We have had a policy.

Inasmuch as it has been the policy, both as to river and harbor improvements and flood control, that these projects be carried on under the directions of the Secretary of War through the Chief of Engineers, it seems to me unnecessary in this bill to reiterate that policy. If it is to be limited to the matters carried in the bill or covered by the policy heretofore adopted, I cannot see any reason for writing in a new policy, which does not contemplate anything else. If it contemplates something beyond river and harbor improvements and beyond flood control, we should know what it is.

It is for that reason that I offered the amendment to the language under consideration, limiting the policy to the



projects carried in the bill, which has always been done heretofore when Congress has passed any sort of flood-control or river and harbor improvement bill, to be administered under the Chief of Engineers, or the Secretary of War through the Chief of Engineers.

Mr. McCLELLAN. Will the Senator enlighten me as to what, under existing law, is the policy established by Congress with reference to the disposition and handling of power derived from these projects?

Mr. BARKLEY. The Senator would require me, in answer to that question, to coordinate from memory the provisions of the Federal Power Act. Many years ago we passed the Federal Power Act, setting up the Federal Power Commission, which was instructed, under the law, to cooperate with and to make use of the Corps of Engineers in the construction of dams for power purposes. I could not from memory give all the provisions of the Power Act, but there is nothing inconsistent between the Federal Power Act and the various annual appropriations by Congress for the improvement of rivers and harbors, or even flood control.

Mr. McCLELLAN. Let me ask the Senator if it is not true that when projects are constructed under existing flood-control acts, multiple-purpose projects, from which electricity is generated, there is no provision in the general flood-control acts with respect to the sale and distribution of the power, but it is now being handled by Executive order.

Mr. BARKLEY. I do not think the amendment we have under discussion now has any relationship to the question of the disposition of power. The amendment offered by the Senator from North Carolina [Mr. BAILEY] today dealt with that subject, and this amendment, attempting to establish a policy, it seems to me, deals more with the inauguration and construction of the projects than the final disposition of power that may be created under them.

Mr. MAYBANK. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I am about to yield the floor.

Mr. MAYBANK. I wish to ask the Senator from Kentucky a question.

Mr. McCLELLAN. I yield to the Senator.

Mr. MAYBANK. The Senator from Kentucky mentioned the Federal Power Commission law. I should like to ask the Senator from Kentucky if it is not a fact that the construction of any of these dams might have in view the generation of electricity. After they have been approved by the Army engineers, as the Senator suggested, is it not necessary that additional hearings be held by the Federal Power Commission before any permission is granted for the sale of power?

Mr. BARKLEY. I think that is true. They have general authority, under the law, to pass upon a license before disposing of power generated by a dam, even though the dam is approved by the Chief of Engineers.

The primary function of the Corps of Engineers in regard to the improvement

of rivers originally was to pass upon whether a proposed improvement would obstruct navigation or improve navigation. That has been enlarged from time to time. By and large, any prospective producer of power must have a license from the Federal Power Commission.

Mr. MAYBANK. How about the Government?

Mr. BARKLEY. I am not able to say from memory whether that applies to the Government.

Mr. MAYBANK. But before a prospective producer of power on any river can get his license the Federal Power Commission holds proper hearings?

Mr. BARKLEY. That is true; they have to do that; they have to determine who is best able to produce the power.

Mr. MAYBANK. And whether it is necessary?

Mr. BARKLEY. Yes.

Mr. McCLELLAN. That would not apply to the multiple projects, would it?

Mr. BARKLEY. Only incidentally, because sometimes the production of power in flood-control projects is incidental. Indeed, in most cases it is incidental.

Mr. McCLELLAN. Mr. President, I have stated my position with respect to the proposed modification of the committee amendment, and I hope it will not be adopted.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. BARKLEY] to the committee amendment.

Mr. WHEELER. Mr. President, it is apparent that we cannot pass the bill this evening, and as there are some further provisions with respect to irrigation and reclamation which very seriously affect the whole northwestern area, I should like to have an opportunity to study them during the evening, as I have not had an opportunity to do so. For that reason I am going to ask that the bill may go over until tomorrow.

Mr. OVERTON. Can we not dispose of this one amendment?

Mr. WHEELER. No, because I think this whole amendment vitally affects the provisions with reference to irrigation and reclamation, and before we pass upon it I should like to have an opportunity to see how far it does affect irrigation. For instance, I find this provision:

Such irrigation works may be undertaken only after a report and findings thereon have been made by the Secretary of the Interior as provided in said Federal reclamation laws and after subsequent specific authorization of the Congress by an authorization act; and, within the limits of the water users' repayment ability, such report may be predicated on the allocation to irrigation of an appropriate portion of the cost of structures and facilities used for irrigation and other purposes.

From a hasty reading of the language, a serious question is raised in my mind as to whether the Secretary of War would not have to pass upon the question of whether people about to receive the benefit of the improvement would be able to repay the cost, rather than have that determined by the Reclamation Bureau and the Department of the Interior, who are

always the ones properly to pass upon the question.

Mr. OVERTON. Mr. President, the Secretary of War has nothing to do with that.

Mr. WHEELER. I am not so sure but that the Senator is making that statement too hastily. Notwithstanding what the Senator's assistant tells him, I think there is a very serious question as to whether the Secretary of War does not have to do with it. At least, I desire to look into the matter further.

Mr. OVERTON. Very well.

The ACTING PRESIDENT pro tempore. Is there objection to the amendment being passed over? The Chair hears none, and it is so ordered.

Mr. WHERRY. Mr. President, on behalf of the senior Senator from New Jersey [Mr. HAWKES], who has been called from the Senate Chamber this afternoon, I offer an amendment to section 10, on page 38, after line 22, which has to do with authorizing a survey or preliminary examination of a project.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 38, after line 22, it is proposed to insert the following:

Absecon Island, N. J., with a view to the protection of Atlantic City, Ventnor, Margate City, Longport, and other areas on the New Jersey coast that have been affected from floods due to tide and wind.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the amendment?

Mr. OVERTON. There is no objection so far as I am concerned, Mr. President.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OVERTON. Mr. President, I do not know of any further amendments to be taken up this afternoon. Quite a number of amendments have gone over. I hope we may be able to complete action on the bill tomorrow.

#### EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to consider executive business.

#### EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations (and withdrawing a nomination), which were referred to the appropriate committees.

(For nominations this day received and nomination withdrawn, see the end of Senate proceedings.)

#### EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. WALSH of Massachusetts:  
From the Committee on Finance:  
Brig. Gen. Frank T. Hines, United States Army, to be Retraining and Reemployment Administrator, to which office he was appointed during the last recess of the Senate; and

William H. Burke, Jr., of Northampton, Mass., to be collector of customs for customs collection district No. 4, with headquarters at Boston, Mass., to fill an existing vacancy.

From the Committee on Naval Affairs:

Capt. Harry L. Merring, United States Navy, retired, to be a rear admiral in the Navy on the retired list, for temporary service, to continue while serving as Deputy Chief of Industrial Readjustment Branch of the Office of Procurement and Material;

William F. Hausman, a naval aviator of the Marine Corps Reserve, to be a first lieutenant in the Regular Marine Corps, in accordance with the provisions of the Naval Aviation Personnel Act of 1940, as amended, to rank from the 1st day of September 1939; and

Sundry naval aviators in the Marine Corps Reserve, a meritorious noncommissioned officer, and sundry citizens to be second lieutenants in the Marine Corps.

By Mr. WILEY, from the Committee on the Judiciary:

Charles H. Cashin, of Wisconsin, to be United States attorney for the western district of Wisconsin, vice John J. Boyle, deceased.

By Mr. BAILEY, from the Committee on Commerce:

Harilee Branch, of Georgia, to be a member of the Civil Aeronautics Board for the term of 6 years from January 1, 1945 (reappointment); and

Sundry officers for appointment and/or promotion for temporary service in the Coast Guard.

The ACTING PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

#### UNITED STATES MARITIME COMMISSION—NOMINATION PASSED OVER

The legislative clerk read the nomination of Edward Macauley, of California, to be a member, United States Maritime Commission, for the term of 6 years from September 26, 1944.

Mr. BAILEY. Mr. President, in view of the fact that the Committee on Commerce reported this nomination on September 20, 1944, I think I should say to the Senate that consideration of the nomination has been delayed at the instance of the senior Senator from Nevada [Mr. McCARRAN], who is absent and who informs me that he is not likely to appear here prior to the first of December. The committee has approved the nomination. I do not think any charges are pending in the committee against this nominee. There never have been charges made against him. Whether the Senate will proceed to consider the nomination or not is a question for the Senate to decide. The facts are that Captain Macauley's term expired just about the time Congress adjourned prior to the election. So he has been deprived of his salary from then until now and will be deprived of it until we confirm the nomination. Moreover, the Maritime Commission is deprived of his services.

I submit the matter to the Senate. I do not know whether the Senate wishes to await the return of the senior Senator from Nevada. If it does, I have no objection. But I believe that Captain Macauley is entitled to some consideration. Action on his nomination has been delayed from September 20 until now; that is, for 2 months the matter has been hanging fire here.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to this nomination? The nomination was confirmed.

#### UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the United States Public Health Service.

The ACTING PRESIDENT pro tempore. Without objection, the nominations in the United States Public Health Service will be confirmed en bloc.

That completes the Executive Calendar.

#### AUTHORIZATION TO RECEIVE AND REFER NOMINATIONS

Mr. BARKLEY. Mr. President, I ask unanimous consent that any nominations that may be sent to the Senate by the President today may be received by the Secretary of the Senate and be appropriately referred.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky?

Mr. REVERCOMB. Mr. President, does the request include appropriate reference of the nominations to committees?

Mr. BARKLEY. Yes.

The ACTING PRESIDENT pro tempore. Without objection, the request will be granted.

(Subsequently, sundry nominations to the Office of War Mobilization and Reconversion and the Surplus Property Board were received and, under the above order, appropriately referred.)

#### RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 18 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, November 22, 1944, at 12 o'clock meridian.

#### NOMINATIONS

Executive nominations received by the Senate November 21, 1944:

##### THE JUDICIARY

##### DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

Henry A. Schweinhaut, of Maryland, to be an associate justice of the District Court of the United States for the District of Columbia, vice Hon. Oscar R. Lohring, deceased.

##### UNITED STATES ATTORNEYS

Gerald A. Gleeson, of Pennsylvania, to be United States attorney for the eastern district of Pennsylvania. (Mr. Gleeson is now serving in this office under an appointment which expired October 8, 1944.)

Steve M. King, of Texas, to be United States attorney for the eastern district of Texas. (Mr. King is now serving in this office under an appointment which expired July 30, 1944.)

##### UNITED STATES MARSHAL

Jordan B. Royall, of Florida, to be United States marshal for the northern district of Florida. (Mr. Royall is now serving in this office under an appointment which expired June 19, 1944.)

##### SURPLUS PROPERTY BOARD

The following-named persons to be members of the Surplus Property Board:  
Robert A. Hurley, of Connecticut.  
Lt. Col. Edward Heller, of California.

#### OFFICE OF WAR MOBILIZATION AND RECONVERSION

The following-named persons to be members of the Advisory Board, Office of War Mobilization and Reconversion:

##### PUBLIC MEMBERS

O. Max Gardner, of North Carolina.  
William H. Davis, of New York.  
Anna M. Rosenberg, of New York.

##### LABOR MEMBERS

William Green, of Ohio.  
Philip Murray, of Pennsylvania.  
T. C. Cashen, of New York.

##### AGRICULTURE MEMBERS

Edward A. O'Neal, of Alabama.  
James G. Patton, of Colorado.  
Albert S. Goss, of Washington.

##### INDUSTRY MEMBERS

Eric A. Johnston, of Washington.  
George H. Mead, of Ohio.  
Nathaniel Dyke, Jr., of Arkansas.

##### REGISTER OF LAND OFFICE

Richard McElligott, of Oregon, to be register of the land office at Roseburg, Oreg., terminating recess appointment, vice George Finley.

#### TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

##### To be lieutenant general

Maj. Gen. Wilhelm Delp Styer (colonel, Corps of Engineers), Army of the United States.

##### To be major generals

Brig. Gen. James Maurice Gavin (captain, Infantry), Army of the United States.

Brig. Gen. Clarence Ames Martin (lieutenant colonel, Infantry), Army of the United States.

Brig. Gen. Orvil Arson Anderson (lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Brig. Gen. John Y. York, Jr. (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Brig. Gen. Robert Morris Webster (lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Brig. Gen. Kenneth Bonner Wolfe (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Brig. Gen. Leo Donovan (lieutenant colonel, Infantry), Army of the United States.

Brig. Gen. Harry Briggs Vaughan (lieutenant colonel, Corps of Engineers), Army of the United States.

Brig. Gen. Arthur Arnim White (colonel, Field Artillery), Army of the United States.

Brig. Gen. Willard Gordon Wyman (lieutenant colonel, Cavalry), Army of the United States.

Brig. Gen. Wilton Burton Persons (lieutenant colonel, Signal Corps), Army of the United States.

Brig. Gen. James Edmund Parker (lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Brig. Gen. Frank Emil Stoner (lieutenant colonel, Signal Corps), Army of the United States.

Brig. Gen. Russel Burton Reynolds (lieutenant colonel, Infantry), Army of the United States.

Brig. Gen. Julian Sommerville Hatcher (colonel, Ordnance Department), Army of the United States.

Brig. Gen. Clyde Lloyd Hyssong (lieutenant colonel, Infantry), Army of the United States.

Brig. Gen. William Howard Arnold (major, Infantry), Army of the United States.

Brig. Gen. Royal Bertrand Lord (major, Corps of Engineers), Army of the United States.

Brig. Gen. James Alward Van Fleet (colonel, Infantry), Army of the United States.



Brig. Gen. Carl Adolphus Hardigg (colonel, Quartermaster Corps), Army of the United States.

Chaplain William Richard Arnold (brigadier general, Chief of Chaplains), United States Army.

Brig. Gen. Otto Lauren Nelson, Jr. (major, Infantry), Army of the United States.

#### To be brigadier generals

Col. William Thaddeus Sexton (major, Field Artillery), Army of the United States.

Col. Josiah Toney Dalbey (lieutenant colonel, Infantry), Army of the United States.

Col. Francis Kosier Newcomer, Corps of Engineers.

Col. Robert Reese Neyland, Jr. (major, Corps of Engineers), Army of the United States.

Col. Clyde Davis Eddleman (major, Infantry), Army of the United States.

Col. Walter Edwin Todd (captain, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. Robert Ward Berry (major, Coast Artillery Corps), Army of the United States.

Col. Morrill Watson Marston (lieutenant colonel, Infantry), Army of the United States.

Col. Hugh Bryan Hester (lieutenant colonel, Quartermaster Corps), Army of the United States.

Col. Matthew John Gunner, Infantry.

Col. John Andrews Rogers, Medical Corps.

Col. Jack Weston Wood (captain, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. Walter Joseph Muller (lieutenant colonel, Infantry), Army of the United States.

Col. Fenton Stratton Jacobs (lieutenant colonel, Cavalry), Army of the United States.

Col. Herbert Bernard Loper (lieutenant colonel, Corps of Engineers), Army of the United States.

Col. James Michael Fitzmaurice (major, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. Carroll Arthur Powell (lieutenant colonel, Signal Corps), Army of the United States.

Col. Roy William Grower (lieutenant colonel, Corps of Engineers), Army of the United States.

Col. William Joseph Morrissey, Infantry.

Col. Joseph James O'Hare (lieutenant colonel, Infantry), Army of the United States.

Col. William Lecler Lee (captain, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. John Moore Thompson, Cavalry.

Col. Kendall Jordan Fielder (lieutenant colonel, Infantry), Army of the United States.

Col. Francis Andrew March (lieutenant colonel, Field Artillery), Army of the United States.

Col. Lewis Tenney Ross (lieutenant colonel, Corps of Engineers), Army of the United States.

Col. Charles Frederick Colson (lieutenant colonel, Infantry), Army of the United States.

Col. Halley Grey Maddox (lieutenant colonel, Cavalry), Army of the United States.

Col. Edmund Clayton Lynch (major, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. Neal Henry McKay (lieutenant colonel, Quartermaster Corps), Army of the United States.

Col. John Howell Collier (lieutenant colonel, Cavalry), Army of the United States.

Col. Ralph Julian Canine (lieutenant colonel, Field Artillery), Army of the United States.

Col. Wayne Carleton Smith (major, Infantry), Army of the United States.

Col. Clyde Massey (major, Cavalry), Army of the United States.

Col. John Paul Doyle (major, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. Francis Augustus Englehart, Ordnance Department.

Col. Bruce Cooper Clarke (major, Corps of Engineers), Army of the United States.

Col. Emil Lenzner (major, Signal Corps), Army of the United States.

Col. Leroy Hugh Watson, Infantry.

Col. James Creel Marshall (lieutenant colonel, Corps of Engineers), Army of the United States.

Col. Robinson Earl Duff (lieutenant colonel, Infantry), Army of the United States.

Col. William Albert Collier (lieutenant colonel, Infantry), Army of the United States.

Col. Sumner Waite, Infantry.

Col. Julian Merritt Chappell (captain, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. William Franklin Campbell (lieutenant colonel, Quartermaster Corps), Army of the United States.

Col. John Ter Bush Bissell (lieutenant colonel, Field Artillery), Army of the United States.

Col. Carter Weldon Clarke (lieutenant colonel, Signal Corps), Army of the United States.

Col. Ford Larimore Fair (major, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Chaplain (Colonel) George Foreman Rixey, United States Army.

Col. Urban Niblo (lieutenant colonel, Ordnance Department), Army of the United States.

Col. Crump Garvin (lieutenant colonel, Infantry), Army of the United States.

Col. Harry Howard Baird (lieutenant colonel, Cavalry), Army of the United States.

Col. James Stevenson Rodwell (lieutenant colonel, Cavalry), Army of the United States.

Col. Emery Scott Wetzel (captain, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. Harold Loring Mace (captain, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. Harold Ailing McGinnis (lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. Harold Eugene Eastwood (lieutenant colonel, Cavalry), Army of the United States.

Col. Hammond McDougal Monroe (lieutenant colonel, Infantry), Army of the United States.

Col. Francis Gerard Brink (lieutenant colonel, Infantry), Army of the United States.

Col. Samuel Davis Sturgis, Jr. (lieutenant colonel, Corps of Engineers), Army of the United States.

Col. Ernest Aaron Bixby (lieutenant colonel, Field Artillery), Army of the United States.

Col. John Harold Wilson (lieutenant colonel, Coast Artillery Corps), Army of the United States.

Col. Charles Heyward Barnwell, Jr. (lieutenant colonel, Infantry), Army of the United States.

Col. Ralph Adel Snaveley (major, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

To be major general

Brig. Gen. William Joseph Donovan (colonel, Cavalry Reserve), Army of the United States.

#### To be brigadier generals

Col. Robert Wilbar Wilson (lieutenant colonel, Field Artillery Reserve), Army of the United States.

Col. L. Kemper Williams, Infantry Reserve.

Col. Frederick Walker Castle (first lieutenant, Air Reserve; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. Archie J. Old, Jr. (captain, Air Reserve; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. David Sarnoff, Signal Reserve.

Col. Timothy James Manning (temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. William Andros Barron, Jr., Army of the United States.

Col. Oscar Nathaniel Solbert, Army of the United States.

Col. John Adams Appleton, Army of the United States.

Col. Rudolph Charles Kuldell, Army of the United States.

#### HONOR GRADUATES FOR APPOINTMENT IN THE REGULAR ARMY

To be second lieutenants with rank from December 1, 1944

#### INFANTRY

Douglas Monroe Benbrook  
Joseph Anthony Bohnak  
Edgar Nicholas Giotzbach  
Leroy Arthur Guest  
Wilford LeRoy Harrelson, Jr.  
Jules Ord Hendricks  
Dallas Wilkinson Headley  
John Merlin Hunter  
Clifford Joseph Kalista  
Maurice Wesley Kendall  
Jonathan Frederic Ladd  
John Browder Longley  
Ben Hugh Lowry  
George Horace Ried  
William Bruce Robertson  
Edward Ellis Smith  
Robert Orion Smythe  
Thomas Elton Terry  
James Vardaman Thompson  
Frederick Alven Wells

#### CAVALRY

William Francis Callahan, Jr.  
John Hamilton Irving, Jr.

#### FIELD ARTILLERY

Philip Myers Chamberlain, Jr.  
Ralph William Deuster  
William Jefferson Galloway  
James Marion Kidd, Jr.  
Charles Ledyard McCord  
Billy Murray McCormac  
William Charles McKamy  
Robert Louis Perdue  
Lawrence Harrison Rogers 2d.  
Carroll Hamilton Wood  
E. T. York, Jr.

#### COAST ARTILLERY CORPS

Aaron George Amacher  
Spencer Roe Baen  
Stanley Marlin Block  
John William McConnell, Jr.  
Frank Watt Rose, Jr.  
Vernon Roberts Widerquist

#### CORPS OF ENGINEERS

Edsel Jay Burkhart  
William George Donaldson  
John Irwin Dye  
Stephen Charles Kaffer

#### SIGNAL CORPS

Daniel Overton  
George Murrell Snead, Jr.

#### ORDNANCE DEPARTMENT

George Henry Childers  
Walter Edward Rafert

## CHEMICAL WARFARE SERVICE

David Mortimer Falk

## QUARTERMASTER CORPS

William Wooldridge Dillard  
Robert Bruce Stiles

## APPOINTMENTS IN THE REGULAR ARMY

## MEDICAL CORPS

*To be first lieutenants, with rank from date of appointment*

First Lt. William Karl Barton, Medical Corps Reserve.

Capt. Wayne Peter Beardsley, Army of the United States.

Capt. John Joseph Graff, Army of the United States.

Capt. Hal Bruce Jennings, Jr., Army of the United States.

Capt. Voris Francis McFall, Army of the United States.

Lt. Col. Wayne Creekmore Pittman, Army of the United States.

Capt. Joseph Gilbert Rogers, Army of the United States.

Maj. Carlton Willard Sargent, Army of the United States.

Capt. Walter Frank Smejkal, Army of the United States.

## PHARMACY CORPS

*To be second lieutenant, with rank from September 1, 1944*

Pvt. (1st cl.) Jack Williamson McNamara, Army of the United States.

## IN THE NAVY

Commodore Albert G. Noble, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 12th day of April 1943.

Commodore Jerauld Wright, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 5th day of May 1943.

Capt. James Fife, Jr., United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 7th day of April 1943.

Capt. Charles W. Styer, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 13th day of April 1943.

Capt. Howard H. J. Benson, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as chief of staff and aide to commander, Gulf Sea Frontier.

Capt. Leon S. Fiske, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander, Service Squadron 12.

Capt. Giles C. Stedman, United States Naval Reserve, to be a commodore in the Naval Reserve, for temporary service, to continue while serving as Superintendent of the United States Merchant Marine Academy, Kings Point, N. Y.

Capt. William J. C. Agnew, Medical Corps, United States Navy, to be a medical director with the rank of rear admiral in the Navy, for temporary service, to continue while serving as Assistant Chief of Bureau of Medicine and Surgery.

Vice Admiral David W. Bagley, United States Navy, to be a vice admiral in the Navy, for temporary service, to continue while serving as commander, Hawaiian Sea Frontier, to rank from the 1st day of February 1944.

Vice Admiral Charles M. Cooke, Jr., United States Navy, to be a vice admiral in the Navy, for temporary service, to rank from the 20th day of September 1944.

Vice Admiral Charles H. McMorris, United States Navy, to be a vice admiral in the Navy, for temporary service, to continue while serving as chief of staff to the commander in chief, United States Pacific Fleet, to rank from the 23d day of September 1944.

Vice Admiral Howard L. Vickery, United States Navy, to be a vice admiral in the Navy,

for temporary service, to rank from the 24th day of October 1944.

Rear Admiral Luther Sheldon, Jr. (MC), United States Navy, to be a medical director with the rank of rear admiral in the Navy, for temporary service, to rank from the 15th day of September 1942.

Rear Admiral Lucius W. Johnson (MC), United States Navy, to be a medical director with the rank of rear admiral in the Navy, for temporary service, to rank from the 15th day of September 1942.

Rear Admiral Ingolf N. Kiland, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 26th day of February 1943.

Rear Admiral Thomas R. Cooley, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 20th day of March 1943.

Commodore John J. Mahoney, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander, United States Naval Operating Base, Guantanamo Bay, Cuba, to rank from the 27th day of September 1944.

Commodore Valentine H. Schaeffer, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as chief of staff to commander, Seventh Fleet, to rank from the 12th day of October 1944.

Commodore Albert L. Swasey, United States Naval Reserve, retired, to be a naval constructor with the rank of commodore in the Naval Reserve, on the retired list, for temporary service, to continue while serving in the Bureau of Ships, to rank from the 12th day of October 1944.

Commodore Irving H. Mayfield, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as chief of staff to commander, South Pacific force, to rank from the 20th day of October 1944.

Commodore Francis W. Scanland, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander, Naval Training and Distribution Center, Camp Elliott, San Diego, Calif., to rank from the 20th day of October 1944.

Commodore Otto M. Forster, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander, Naval Training and Distribution Center, Shoemaker, Calif., to rank from the 20th day of October 1944.

Commodore Paulus P. Powell, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as chief of staff to commander, Third Amphibious Force, to rank from the 20th day of October 1944.

Commodore Clifford G. Richardson, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander of a transport squadron, to rank from the 20th day of October 1944.

Commodore Merrill Comstock, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as chief of staff to commander, submarine force, Pacific Fleet, to rank from the 20th day of October 1944.

Commodore Herbert B. Knowles, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander of a transport squadron, to rank from the 20th day of October 1944.

Commodore Donald W. Loomis, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander of a transport squadron, to rank from the 20th day of October 1944.

Commodore Thomas P. Jeter, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as chief of staff to commander, battleships,

Pacific Fleet, to rank from the 20th day of October 1944.

Commodore John B. McGovern, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander of a transport squadron, to rank from the 20th day of October 1944.

Commodore Arleigh A. Burke, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as chief of staff to commander, First Carrier Task Force, Pacific Fleet, to rank from the 20th day of October 1944.

Commodore Edwin D. Foster (SC), United States Navy, to be a pay director with the rank of commodore in the Navy, for temporary service, to continue while serving as aviation supply officer and supply officer in command, Naval Aviation Supply Depot, Philadelphia, Pa., to rank from the 20th day of October 1944.

Commodore Milton O. Carlson, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander of a transport squadron, to rank from the 25th day of October 1944.

Commodore Henry C. Flanagan, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander of a transport squadron, to rank from the 25th day of October 1944.

Commodore Vernon F. Grant, United States Navy, retired, to be a commodore in the Navy, on the retired list, for temporary service, to continue while serving as commander, Naval Air Bases, Guam, to rank from the 25th day of October 1944.

Capt. John G. Moyer, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander of a transport squadron, to rank from the 10th day of November 1944.

Capt. Homer W. Graf, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander of a transport squadron, to rank from the 10th day of November 1944.

Capt. Russell H. Ihrig, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving on the staff of the commander in chief, United States Pacific Fleet and Pacific Ocean areas, to rank from the 10th day of November 1944.

Capt. James B. Carter, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as assistant chief of staff (operations) to commander in chief, United States Pacific Fleet and Pacific Ocean areas, to rank from the 10th day of November 1944.

Capt. Thomas B. Brittain, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commander of a transport squadron, to rank from the 10th day of November 1944.

## POSTMASTERS

The following-named persons to be postmasters:

## ARKANSAS

Opal Mae Roland, Bryant, Ark. Office became Presidential July 1, 1944.

Manley E. Nation, Lamar, Ark., in place of L. C. Barger, deceased.

Jesse C. Latta, Pollard, Ark. Office became Presidential July 1, 1944.

Riley B. Emory, Rose Bud, Ark. Office became Presidential July 1, 1944.

## CALIFORNIA

Oliver H. Umerham, El Modeno, Calif. Office became Presidential July 1, 1944.

## CONNECTICUT

William J. Farnan, Stonington, Conn., in place of W. J. Farnan. Incumbent's commission expired May 12, 1942.

## FLORIDA

Randilla B. Renfro, Dover, Fla. Office became Presidential July 1, 1943.



## INDIANA

Albert T. Ferber, Palmyra, Ind. Office became Presidential July 1, 1943.  
 Clarence Rea, Patriot, Ind. Office became Presidential July 1, 1944.

## ILLINOIS

Lawrence F. Markus, Aviston, Ill. Office became Presidential July 1, 1944.  
 Frances Dalziel, Braceville, Ill. Office became Presidential July 1, 1943.  
 Carl Miller, Macedonia, Ill. Office became Presidential July 1, 1944.  
 Alfred R. Hart, Modesto, Ill. Office became Presidential July 1, 1943.

## KENTUCKY

Bertha D. Vincent, Brownsville, Ky., in place of J. V. Carder, deceased.  
 William G. Kelly, Maceo, Ky. Office became Presidential July 1, 1944.  
 Oleva C. Bailey, Rineyville, Ky. Office became Presidential July 1, 1944.

## LOUISIANA

Eva A. Matlock, Bethany, La. Office became Presidential July 1, 1944.  
 Mary V. Bryson, Greenwood, La. Office became Presidential July 1, 1944.  
 Robert Hamilton Fuller, Hosston, La. Office became Presidential July 1, 1944.  
 Idella N. Trombino, Keatchie, La. Office became Presidential July 1, 1944.  
 Annie I. McCord, Keithville, La. Office became Presidential July 1, 1944.  
 Audrey Rowe, Longstreet, La. Office became Presidential July 1, 1944.  
 Adina M. Edwards, Noble, La. Office became Presidential July 1, 1944.  
 Orren M. Peters, Quitman, La. Office became Presidential July 1, 1943.

## MICHIGAN

Meda G. Keith, Bellevue, Mich., in place of W. A. Young, removed.  
 Velma Strait, Horton, Mich. Office became Presidential July 1, 1944.  
 Carol F. Acre, Otter Lake, Mich. Office became Presidential July 1, 1944.

## MINNESOTA

Thomas J. McGonigal, Bayport, Minn., in place of C. A. Smith, retired.  
 Ervan W. Finke, Vining, Minn. Office became Presidential July 1, 1944.

## MISSISSIPPI

Louise Burris, McCall Creek, Miss. Office became Presidential July 1, 1944.

## MISSOURI

Chester Alan Platt, Jefferson City, Mo., in place of Albert Linxwiler, deceased.  
 Josephine B. Diggs, Jonesburg, Mo., in place of W. H. Fleahman, resigned.  
 Otis C. Mackey, Morrisville, Mo. Office became Presidential July 1, 1944.  
 Nadine Smith, Tina, Mo. Office became Presidential July 1, 1944.

## NEW JERSEY

L. Raymond Gunter, Columbia, N. J. Office became Presidential July 1, 1944.  
 William T. Keeshan, Navesink, N. J. Office became Presidential July 1, 1944.

## OHIO

Frances L. Robinson, West Jefferson, Ohio, in place of J. S. Hockenbery, resigned.

## OKLAHOMA

Pearl L. Bulman, Mill Creek, Okla., in place of J. S. Austin, transferred.  
 Ward H. Roysden, Pocasset, Okla. Office became Presidential July 1, 1944.

## OREGON

Beatrice I. Scoggins, Arlington, Oreg., in place of L. O. Ferguson, resigned.

## PENNSYLVANIA

Gladys M. Glass, Fallentimber, Pa. Office became Presidential July 1, 1944.  
 James H. McConnell, Jackson Center, Pa. Office became Presidential July 1, 1942.

Nathaniel E. Lyons, Lake Lynn, Pa. Office became Presidential July 1, 1942.  
 Jacob C. Reddig, Reamstown, Pa. Office became Presidential July 1, 1944.  
 Elsie D. Naylor, Warminster, Pa. Office became Presidential July 1, 1944.  
 Clay E. Houck, Warriors Mark, Pa. Office became Presidential July 1, 1944.

## TEXAS

Edmond B. Cummins, Cleveland, Tex., in place of M. A. Anderson. Incumbent's commission expired April 11, 1942.  
 Roe Sledge, Forestburg, Tex. Office became Presidential July 1, 1944.  
 Mary V. Denton, Port Aransas, Tex., in place of A. L. Smith, removed.  
 William A. Ramirez, Roma, Tex. Office became Presidential July 1, 1943.

## VERMONT

Arthur C. Wells, Bakersfield, Vt. Office became Presidential July 1, 1944.  
 Murray K. Paris, Lyndon, Vt. Office became Presidential July 1, 1944.  
 Raymond Taylor, Weston, Vt. Office became Presidential July 1, 1944.

## VIRGINIA

Alvah B. Chappell, Clarksville, Va., in place of I. D. Newcomb, deceased.  
 E. Paul Osborne, Dungannon, Va. Office became Presidential July 1, 1944.  
 Charles G. Coppedge, Powhatan, Va., in place of G. H. Jenkins, retired.

## CONFIRMATIONS

Executive nominations confirmed by the Senate November 21, 1944:

## U. S. MARITIME COMMISSION

Edward Macauley to be a member, United States Maritime Commission, for the term of 6 years from September 26, 1944.

UNITED STATES PUBLIC HEALTH SERVICE  
PROMOTIONS AND APPOINTMENTS IN THE REGULAR CORPS

To be temporary senior dental surgeons, effective October 1, 1944:

Leland E. Weyer  
 Robert A. Scroggie  
 Vernon J. Forney to be temporary dental surgeon, effective October 1, 1944.  
 Harold D. Lyman to be temporary senior surgeon, effective October 1, 1944.

To be temporary surgeons, effective October 1, 1944:

Daniel D. Chiles  
 James J. Griffiths  
 Robert R. Smith

To be temporary passed assistant surgeons, effective October 1, 1944:

Frederic C. Bartter  
 Warren S. Kennison  
 Joseph E. Maurer  
 Guy H. Faget to be temporary medical director, effective October 1, 1944.

Lynne A. Fullerton to be medical director, effective July 9, 1944.

Roy E. Wolfe to be temporary surgeon, effective September 15, 1944.

To be temporary surgeons, effective September 1, 1944:

David B. Wilson  
 George E. Parkhurst  
 Joe M. Chisolm

James K. Norman to be passed assistant surgeon, effective July 11, 1944.

To be assistant surgeons, effective date of oath:

John H. Prichett, Jr.  
 John K. McBane  
 Roland K. Iverson

Arthur Kornberg  
 Harold B. Alexander  
 Harry Leaffer

Henry A. Holle to be temporary senior surgeon, effective September 1, 1944.

Omar C. Hopkins to be temporary senior sanitary engineer, effective September 1, 1944.

## WITHDRAWAL

Executive nomination withdrawn from the Senate November 21, 1944.

## POSTMASTER

## NEW YORK

Mrs. Gertrude A. Vande Bogart to be postmaster at Leonardsville, in the State of New York.

## HOUSE OF REPRESENTATIVES

TUESDAY, NOVEMBER 21, 1944

The House met at 12 o'clock noon.  
 The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who dwellest in the midst of the throne, we rejoice that we are in the presence of One who loves and understands and promises: "They who wait on the Lord shall renew their strength." We pray Thee to fortify us against temptation; make us faithful to that which we love and ever prepare us for labor here and for a brighter world beyond. Keep us free from that which is purely temporal and transient, ever sensible to the glorious things of the spirit.

We pray for those who are defending us on sea, land, and air, suffering the hardships of war even unto death, and for those homes from which they have gone; may they not sorrow as those who have no hope. Heavenly Father, in these gray and sober days reveal unto America the kindred humanness of all enslaved and tortured peoples. Humble us and lay bare before us our obligation and allow nothing to draw us away from our Christian duty. Be with us, O Divine Exemplar, subduing confusion and discord, taking away our narrow sense of liberty and our feeble understanding. In all things may we acknowledge Thee to be the Lord, and let us hear again the song of the morning stars in a world redeemed through Him who hath loved us and gave His life that we might claim eternity as our own. In the name of Saint Mary's holy Child. Amen.

The Journal of the proceedings of Monday, November 20, 1944, was read and approved.

## RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation, which was read by the Clerk:

WASHINGTON, D. C., November 21, 1944.

HON. SAM RAYBURN,  
 Speaker, House of Representatives,  
 Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the standing Committee on Mines and Mining and also the standing Committee on the Public Lands of the House of Representatives.

Respectfully submitted.

WALTER E. BREHM,  
 Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

## INFORMATION REGARDING CERTAIN REFUGEES

Mr. DICKSTEIN. Mr. Speaker, by direction of the Committee on Immigra-